

13.07.2022

22

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 3321 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chanchal** Police Station Case No. **657** of **2022** dated **23.06.2022** under Sections 448/427/354/323/308/506/34 of the Indian Penal Code, 1860 read with Section 6 of the Protection of Children from Sexual Offences Act.

And

In Re : Afsar Ali & Ors.

..... petitioners

Mr. Kallol Mondal

Mr. Krishan Ray

Mr. Arup Sarkar

Mr. Soumik Das

Ms. Sabnam Laskar

....for the petitioners

Mr. S. S. Imam

Mr. R. Jana

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the petitioners were falsely implicated. The de-facto complainant and the petitioners are family members. There was a dispute between the family members on June 17, 2022 at about 9 a.m. in the morning. The petitioners lodged a police complaint. Five days thereafter, the present police complaint was lodged falsely implicating the petitioner.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded

under Section 164 of the Code of Criminal Procedure (Cr.P.C.) and to the injury report of the victim as well as the other persons.

There is a police complaint lodged at the behest of the petitioners on June 17, 2022 in relation to an incident happening on June 17, 2022 at about 9 a.m. in the morning.

In the 164 Cr.P.C. statement of the victim, the victim claims that she was sexually assaulted at about 10 a.m. in the morning on June 17, 2022.

Medical examination report of the victim states that, there are no external injuries on the victim.

The earlier police complaint speaks of a group of persons gathering at the place of the occurrence when the incident of assault took place.

The statement of the victim identifies the same place of occurrence at about the same time as that of the place of assault.

The possibility of the petitioners being falsely implicated in the present police case looms large and cannot be overlooked at this stage. Consequently, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the

conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall meet the Investigating Officer once a month till the conclusion of the investigation and on condition that the petitioners shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)