

10.08.2022
Serial no.29
Aloke

CRM (A) 3821 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Chapra Police Station Case No. 392 of 2022 dated 28.06.2022 under Sections 376/506 of the Indian Penal Code.

-And-

In the matter of : **Prabir Ghosh**

... .. Petitioner

Mr. A. Biswas, Advocate

Mr. A. Singh, Advocate

Ms. J. Roy Mukherjee, Advocate

Mr. J. Agarwal, Advocate

... .. For the Petitioner

Mr. Binay Panda, Advocate

Mr. Subham Bhakat, Advocate

... ..For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. He refers to an order dated May 2, 2022 passed in WPA 2995 of 2022 and submits that there is a writ petition filed with regard to previous police case.

Learned Advocate appearing for the State draws the attention to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. He refers to the medico legal examination report of the victim.

In her statement under Section 164 of the Code of Criminal Procedure, the victim claims that the petitioner ravished her.

The medico legal examination report of the victim however apparently does not corroborate such claim.

The police complaint was lodged pursuant to an order passed by the learned Magistrate under Section 156 (3) of the Code of Criminal Procedure. The petition made Section 156 (3) of the Code of Criminal Procedure of the de facto complainant refers to four witnesses of the incident. At least two of such named witnesses are persons against whom the petitioner is litigating

prior in point of time and there subsists an order by the Writ Court in respect of such litigation.

In such circumstances, the possibility of the petitioner being falsely implicated cannot be overlooked. We, therefore, inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), 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 condition that the petitioner shall meet the Investigating Officer as and when called for till the conclusion of the investigation and on condition that the petitioner 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 petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is allowed.

CRM (A) 3821 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)