

08.08.2022
Sl.36
Court No.29
(AD)
(Allowed)

C.R.M. (A) 3824 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tehatta** Police Station Case No. **439** of **2022** dated **31.05.2022** under Sections **448/376/511/323/506/509/34** of the Indian Penal Code.

And

In the matter of: **Uttam Bala @ Uttam Kumar Bala**

....petitioner.

Ms. Karabi Roy

...for the petitioner.

Mr. Avishek Sinha

...for the State.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. There is a pre-existing civil dispute between the private parties.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. He submits that the victim refused to undergo medical examination.

Considering the fact that the victim refused to undergo medical examination and considering the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and considering the fact that there are pre-existing civil disputes between the private parties, we 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

subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will report before 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.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 3824 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)