

16.08.2022

23

Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 3905 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **AWPS Kharagpur** Police Station Case No. **45** of **2022** dated **02.06.2022** under Sections 448/323/325/354/379/427/506/509/34 of the Indian Penal Code and Added Section 8 of the POCSO Act, 2012.

And

In Re : K. Harimohan

..... petitioner

Ms. Minoti Gomes

Md. Zeeshan Uddin

Ms. Amrin Khatoon

....for the petitioner

Mr. Sanjoy Bardhan

Mr. Baisakhi Chatterjee

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. The de-facto complainant is a tenant. When the petitioner went to demand the arrears of rent from the de-facto complainant, the petitioner was sought to be falsely implicated. She submits that, a police complaint was lodged by the petitioner also.

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.). He refers to the 164 Cr.P.C. statement of the others.

There is a subsisting tenancy agreement. There is a previous police complaint.

The issue of false implication cannot be ruled out at this stage.

In such circumstances, we are unable to grant anticipatory bail to the petitioner.

Accordingly, prayer for anticipatory bail of the petitioner is rejected and the application being CRM (A) 3905 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)