

16.08.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 3911 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hanskhali** Police Station Case No. **680** of **2022** dated **05.07.2022** under Sections 341/323/325/354/354B/379/34 of the Indian Penal Code, 1860 and Section 8 of the Protection of Children from Sexual Offences Act.

And

In Re : Subhankar Ghosh

..... petitioner

Mr. Atis Kumar Biswas

Mr. Amit Singh

Mr. Jyoti Agarwal

....for the petitioner

Mr. Shiladitya Banerjee

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, there was a dispute with regard to water supply. An altercation took place. The father of the petitioner lodged a police complaint. Subsequent thereto, the present police complaint was lodged to falsely implicate 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 the materials in the case diary.

There is a previous police complaint lodged over the issue of water supply. Contention of the petitioner of false implication cannot be overlooked at this stage.

Consequently, 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/-, 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 petitioner shall meet the Investigating Officer once a fortnight 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 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.)

