

18.08.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 3949 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Harishchandrapur** Police Station Case No. **296** of **2022** dated **17.04.2022** under Sections 448/376 of the Indian Penal Code, 1860.

And

In Re : Baula Sk @ Md. Bavul @ Babul

..... petitioner

Mr. Soupal Chatterjee

Mr. Soumik Dey

Ms. Sucheta Banerjee

....for the petitioner

Mr. Saibal Bapuli

Mr. Avik Ghatak

Mr. Arijit Ganguly

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. He refers to the contents of the First Information Report (FIR) and submits that, the daughter of the petitioner was married to the son of the de-facto complainant.

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 other materials in the case diary. He submits that, the victim refused to undergo any medical examination.

Considering the relationship between the parties and considering the 164 Cr.P.C. statement of the victim and her

refusal to undergo medical examination, 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 month 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.)