

29.08.2022
Serial no. 07
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 4083 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Chandipur** Police Station Case No. **110** of **2022** dated **13.04.2022** under Sections **354B /354D /376 /419 /506 / 511/34** of the Indian Penal Code. (G.R. Case No. **996 of 2022**)

-And-

In the matter of : **Avijit Khatua**

... .. Petitioner

Mr. Amitava Karmakar,
Mr. Arup Kr. Bhowmick, Advocates
... .. *For the Petitioner*

Mr. Soumik Ganguli, Advocate
... ..*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 order passed by the co-ordinate Bench granting bail to the brother of 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 Criminal Procedure.

The co-ordinate Bench by an order dated August 18, 2022 passed in CRM(DB) 2763 of 2022 granted bail to the principal accused. The co-ordinate Bench was pleased to observe that, the victim was an adult and was aware of the consequences of cohabitation. The co-ordinate Bench also noted the delay in the lodgment of the first information report.

In such circumstances, we are 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 further condition that the petitioner shall report before the Investigating Officer as and when called for till the conclusion of the investigation and on further 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) 4083 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)