

05.09.2022
Serial no.5
Aloke

CRM (A) 4179 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Daulatabad Police Station Case No. 184 of 2022 dated 21.07.2022 under Sections 448/354/376/511 of the Indian Penal Code.

-And-

In the matter of : **Momin Khan**

... .. Petitioner

Mr. Jisan Iquabal Hossainy, Advocate

... .. For the Petitioner

Mr. Avishek Sinha, Advocate

... ...For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. The present police complaint is a counter blast to the earlier police complaint filed by the petitioner. The present police complaint was lodged with a delay of one month.

Learned Advocate appearing for the State draws the attention to the materials in the case diary including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

There is a previous police complaint lodged at the behest of the petitioner. The Court is informed that the police filed charge-sheet therein. There is a delay of one month in the lodgment of the present police case.

The victim refused to undergo any medical examination. The possibility of false implication cannot be overlooked at this state, particularly, in view of the fact that the victim refused to undergo medical test and coupled with the delay in the lodgment of the first information report. 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 condition that the petitioner shall meet 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) 4179 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)