

05.09.2022
Serial no.26
Aloke

CRM (A) 4203 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Tehatta Police Station Case No. 696 of 2022 dated 19.08.2022 under Sections 448/376/506 of the Indian Penal Code.

-And-

In the matter of : **Kamaluddin Molla**

... .. Petitioner

Ms. Karabi Roy, Advocate

... .. For the Petitioner

Mr. Navnil De, Advocate

... ..For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the present police complaint is a result of a previous relationship turning sour. She submits that the petitioner entered into another relationship and subsequent to which, the present police complaint was lodged.

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. He submits that the victim refused to undergo any medical examination.

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

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 condition that the petitioners shall meet the Investigating Officer once in a fortnight 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) 4203 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)