

05.09.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 4213 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Teherpur** Police Station Case No. **258** of **2022** dated **31.05.2022** under Sections 448/323/376/511 of the Indian Penal Code, 1860.

And

In Re : Tinku Sarkar

..... petitioner

Ms. Sananda Bhattacharya
....for the petitioner

Mr. Soumik Ganguly
....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. The petitioner is a tenant of the de-facto complainant. He refers to the tenancy agreement in support of such contention.

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.).

In her 164 Cr.P.C. statement, the victim claims that she lent and advanced a sum of Rs.1.50 lakhs to the petitioner, which the petitioner was not paying. She claims that she suffered bodily injury also.

The victim did not undergo any medical examination so far as the allegations under Section 376 of the Indian Penal

Code are concerned. The statement of the victim acknowledges a jural relationship to be existing between her and the petitioner.

The petition contains a tenancy agreement, which demonstrates another jural relationship between them.

In such circumstances, 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 petitioner 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.)

(Md. Shabbar Rashidi, J.)

