

06.09.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 4262 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Berhampore Women** Police Station Case No. **87** of **2022** dated **14.06.2022** under Sections 498A/307/494/34 of the Indian Penal Code, 1860.

And

In Re : Ismail Sk.

..... petitioner

Mr. Pratip Chatterjee
....for the petitioner

Ms. Minoti Gomes
Ms. Manika Sarkar
....for the de-facto complainant

Mr. Bidyut Kumar Roy
Ms. Sima Biswas
....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner is a Border Security Force (BSF) personnel. This is the second police case as against the petitioner. The petitioner was falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.).

Learned advocate appearing for the de-facto complainant submits that, after the first police complaint, there was a

settlement. Thereafter, the de-facto complainant was assaulted. She refers to the injury reports of the de-facto complainant.

The petitioner before us is a BSF personnel. Question of absconsion, therefore, at this stage does not arise. This is the second police complaint as against him. In the earlier police complaint, he is on bail.

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.)