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(AD) 15.09.2022

C.R.M. (A) 4420 of 2022

Court No.29
(Allowed)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Manikchak** Police Station Case No. **390 of 2022** dated **20/07/2022** under Sections **417/323/376/506/34** of the Indian Penal Code, 1860.
And

In the matter of: **Sk Sarif**

....petitioner.

Mr. Kalidas Saha

...for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld. PP
Mr. Aniket Mitra

...for the State.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that the present police complaint is a result of a relationship turning sour.

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. He submits that the victim is pregnant. Initially, the victim refused to undergo medical test. Thereafter, she undertook the medical test.

The victim is an adult.

In her statement recorded under Section 164 of the Code of Criminal Procedure, she acknowledges that she knew the petitioner.

The claim of the victim is that the petitioner and the family of the petitioner are not willing to accept her and her child into their family.

In such circumstances, since the issue of false implication of the petitioner cannot be overlooked at this stage and the police filed charge sheet, 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/- (Rupees Ten Thousand Only), with two sureties of like amount each to the satisfaction of the Arresting Officer and also 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 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.

The prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 4420 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)