

21.09.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 4520 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Domkal** Police Station Case No. **489** of **2022** dated **11.08.2022** under Sections 417/376 of the Indian Penal Code, 1860.

And

In Re : Mahabul Sk. @ Mahabor Mandal @ Mohabul Sk.

..... petitioner

Mr. Jishan Iqubal Hossain

....for the petitioner

Mr. Tapodip Gupta

....for the de-facto complainant

Mr. S. G. Mukherjee, learned Public Prosecutor

Mr. Aniket Mitra

Ms. Jonaki Saha

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. The victim is married. The police complaint is a result of 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 (Cr.P.C.) and her medical examination report.

The de-facto complainant is represented.

Apparently, the de-facto complainant approached the Chief Judicial Magistrate under Section 156(3) Cr.P.C. after 20

days of the incident. The medical examination report does not corroborate the claim of the de-facto complainant.

The issue of false implication is there.

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.)

