

28.09.2022
Serial no. 84
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 4668 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Haridevpur** Police Station Case No. **216** of **2022** dated **09.08.2022** under Sections **498A, 307, 406, 506, 34** of the Indian Penal Code and under Sections **3** and **4** of the Dowry Prohibition Act. (Corresponding to ACGR No. **3456/2022**

-And-

In the matter of : **Tarun Kumar Chakraborty @ Tarun Chakraborty**

... .. Petitioner

Mr. Kallol Mondal,
Mr. Krishan Ray,
Mr. Sagar Saha, , Advocates
... .. *For the Petitioner*

Ms. Kum Kum Mitra, Advocate
... ..*For the State*

Ms. Sibangi Chattopadhyay,
Mr. Aditya Sen, Advocates
... ..*For the de facto complainant*

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that in the first information report there is no allegation of rape. The rape was sought to be introduced in the statement recorded under Section 164 of the Criminal Procedure Code. The incident spoken of is of 2016.

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 Criminal Procedure Code.

The issue of false implication cannot be overlooked at this stage. The first information report does not contain a

statement with regard to rape. It was sought to be introduced for the first time in the statement recorded under Section 164 of the Criminal Procedure Code.

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 further condition that the petitioner shall report before 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) 4668 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)