

12.10.2022.
31.
AGM/AN
(Allowed).

C.R.M. (A) 4862 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Titagarh P. S. Case No.495 of 2022 dated 03.08.2022 under Sections 448/376/328/506 of the Indian Penal Code.

In the matter of : Sri Narayan Chandra Paul.
... Petitioner.

Mr. Debasish Kar.
Mr. Subhojit Chowdhury,
Mr. Arkatilak Bhadra,
...for the Petitioner.

Mr. Pravash Bhattacharya,
Mr. Suman De.
.....for the State.

Petitioner submits that there was monetary transaction between the parties. De-facto complainant/victim issued cheques to repay a loan advanced by the petitioner. The cheques were dishonoured and prosecution under Section 138 of N.I. Act was launched. In retaliation, the present case has been registered. He prays for anticipatory bail.

Learned lawyer for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. Admittedly, a criminal case was registered against the de-facto complainant/victim prior to the registration of the First Information Report. Allegation of forcible rape requires

to be assessed in the light of the aforesaid circumstances during trial.

Keeping in mind the aforesaid facts, we are of the opinion that though the custodial interrogation of the petitioner for progress of investigation is not necessary but his movement requires to be restricted in order to instill confidence in the mind of the de-facto complainant/victim. Hence, petitioner may be granted anticipatory bail subject to the following conditions.

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 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 appear before the trial court and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, disposed of.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)