

12.10.2022.
37.
AGM/AN
(Allowed).

C.R.M. (A) 4868 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Nakashipara P. S. Case No.428 of 2022 dated 04.06.2022 under Sections 376/323/34 of the Indian Penal Code.

In the matter of : Haru Roy Durlav

... Petitioner.

Mr. Sumanta Das,

...for the Petitioner.

Mr. Narayan Prosad Agarwal,
Mr. Chittoranjana Ghosh,

.....for the State.

It is submitted on behalf of the petitioner that there is prior enmity between the parties. A criminal case being Nakashipara P.S. Case No. 158 of 2021 dated 06.04.2021 was registered against the husband of the victim lady by the petitioner. In retaliation, he has been falsely implicated in the present case. The petitioner prays for anticipatory bail.

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

We have considered the materials on record. A prior criminal case was registered by the petitioner against the husband of the victim lady. Allegation is that the petitioner went to the residence of the victim and forcibly committed rape upon the victim while she was going to the bathroom requires to be assessed in the light of the prior enmity

between the parties at the appropriate stage of the proceeding.

Keeping in mind the aforesaid facts, we are of the opinion that false implication of the case against the petitioner cannot be wholly ruled out and the petitioner can be granted anticipatory bail.

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.

He shall meet the Investigating Officer once in a week.

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

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)