

VB
143. 13.10.2022
Ct.28 NB/Tgh/Ali

Allowed

C.R.M. (A) 4945 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with **Swarupnagar Police Station Case No. 825 of 2022** dated **23/08/2022** under Sections **376/511/326/307/34** of the Indian Penal Code and Section **8** of the POCSO Act.

And

In the matter of: - **Rejaul Sardar**

...petitioner.

Mr. A.H. Molla,
Ms. Riya Das.

...for the petitioner.

Mr. Rudradipta Nandy, Ld. A.P.P.,
Mr. Subrata Roy.

...for the State.

Heard learned Lawyers of the parties.

It is submitted on behalf of the petitioner that he is not the principal accused. There was prior enmity and an earlier case was registered against the family members of the *de facto* complainant.

We have considered the materials on record. Petitioner is not the principal accused. Possibility of his false implication due to prior enmity cannot wholly be brushed aside. Injuries are also not grievous.

Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest, the petitioner, *viz.*, **Rejaul Sardar** shall be released on bail upon furnishing a bond

of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. (A) 4945 of 2022 is, accordingly, disposed of.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Supratim Bhattacharya, J.)

(Joymalya Bagchi, J.)