

07.11.2022

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Ct. No. 29

S.D.

Allowed

C.R.M.(A) 5052 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Beldanga** Police Station Case No. **367** of **2022** dated **22.6.2022** under Sections 498A/307/341/326A of the Indian Penal Code and adding Section 304 of the Indian Penal Code.

And

In Re : Tapas Hazra

..... petitioner

Mr. Manas Kumar Das

....for the petitioner

Mr. Narayan Prasad Agarwala

Mr. Pratik Bose

....for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that, police complaint was lodged 15 years after marriage. The defacto complainant went away with a different person and thereafter the police complaint was made to falsely implicate the petitioner. The defacto complainant left behind the three children to be looked after by the petitioner.

Learned advocate appearing for the State draws the attention of the Court to the materials in the Case Diary including injury report of the defacto complainant.

The defacto complainant alleged acid attack.

The injury report of the defacto complainant states that there are no obvious signs of acid attack or burn injury or external lesion on her.

The issue of false implication at this stage cannot be overlooked.

In such circumstances, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioners 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 petitioners will cooperate with the Investigating Officer 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.)

