

04.11.2022
Serial no. 13
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 5062 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Habibpur** Police Station Case No. **238** of **2022** dated **19.07.2022** under Sections **417/376** of the Indian Penal Code (G.R. Case No. **4456/2022**)

-And-

In the matter of : **Kangkan Sarkar @ Kankan Sarkar**
... .. Petitioner

Ms. Minoti Gomes,
Mr. Musharraf Alam Sk., Advocates
... .. *For the Petitioner*

Mr. Imran Ali
Ms. Debjani Sahu, Advocates
... ..*For the State*

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statements of the victim recorded under Section 164 of the Criminal Procedure Code.

Both the victim and the petitioner are adults. They are obviously aware of the consequences of their relationship.

The victim in her statement recorded under Section 164 of the Criminal Procedure Code claims that there was an existing relationship between both of them.

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) 5062 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)