

03.11.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 5067 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Berhampore Women** Police Station Case No. **130** of **2022** dated **27.09.2022** under Sections 376/506/34 of the Indian Penal Code, 1860.

And

In Re : Shah Alam Sarkar @ Saha Alam Sarkar

..... petitioner

Mr. Sekhar Kumar Basu

Mr. Shiladitya Banerjee

Mr. Shibendra Narayan Sukul

Mr. C. S. Bag

....for the petitioner

Mr. Abhra Mukherjee

Ms. Manisha Sharma

....for the State

Both the victim and the petitioner are adults.

Learned senior advocate appearing for the petitioner submits that, there is a political angle to the police complaint.

The victim recorded a statement under Section 164 of the Code of Criminal Procedure. It transpires from such statement that the petitioner holds a political post.

The false implication of the petitioner in view of the position held by the petitioner cannot be overlooked at this stage.

The victim refused to undergo medical examination.

In such circumstances, we 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/-, 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 meet the Investigating Officer as and when called for till the conclusion of the investigation and on 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)