

22.11.2022

Serial no. 04

[Dd]

(Anticipatory bail)

Allowed)

CRM (A) 5155 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Posta** Police Station Case No. **175** of **2022** dated **03.11.2022** under Sections **120B/342/323/506(II)/295A/377/511** of the Indian Penal Code.

-And-

In the matter of : **Sri Lokenath Chatterjee**

... .. Petitioner

*Mr. Sandipan Ganguly, Id. Sr. Adv.
Mr. Kallol Mondal,
Mr. Krishnendu Bhattejee,
Mr. Rajendra Banerjee,
Mr. Sukanta Ghosh,
Mr. Amajit Dey,
Ms. Aparna Banerjee,
Mr. Dipak Kr. Chakraborty,
Mr. Gurudas Mitra,
Mr. Suman Chattopadhyay,
Mr. Anup Dasgupta,
Mr. Sounak Bera,
Ms. Merry Dutta,
Ms. Ranjana Chatterjee,
Ms. Tanusree Ghosh,
Mr. Sarda Sha,
Mr. Pradeep Kr. Mondal,
Mr. Chandan Saha,
Mr. Anirban Mitra,
Mr. Jasojeet Mukherjee,
Ms. Priyanka Ganguly, Advocates
... .. For the Petitioner*

*Mr. Mrityunjay Chatterjee,
Mr. Debapriya Majumder, Advocates
... ..For the de facto complainant*

*Mr. Swapan Banerjee,
Mr. Anindya Sunder Chatterjee, Advocates
.. ..For the State*

The application for anticipatory bail is taken up for consideration subsequent to order dated November 16, 2022.

The petitioner is on interim protection.

The de facto complainant and the petitioner were travelling from Kolkata to Sikkim and back. The police complaint of the de facto complainant relates to an incident happening during such tour.

There are two previous police complaints against the de facto complainant also in respect of the same tour.

We asked for the case diaries in respect of those two police complaints.

State produces those two police complaints for a perusal.

In the police complaint lodged by the de facto complainant, being the present police case, there are two statements recorded under Section 161 of the Criminal Procedure Code of persons at Sikkim. One of such statements is of an employee at the hotel where the incident is alleged to take place. The other is by a driver of the vehicle who was driving the vehicle of the tour party.

The investigations are yet to be concluded.

Considering the materials in the case diaries available at this stage and the statements of the two persons noted herein, 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) 5155 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)