

14.11.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 5168 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Sagarpara** Police Station Case No. **268** of **2022** dated **16.10.2022** under Sections 376/420/406/506 of the Indian Penal Code.

And

In Re : Chinmay Ghosh

..... petitioner

Ms. Minoti Gomes

Mr. Amanul Islam

Mr. Sourav Mukherjee

....for the petitioner

Ms. Sima Biswas

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. The police complaint was lodged one and half months after the alleged incident. There was an extra-marital relationship between the petitioner and the de-facto complainant.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement of the de-facto complainant recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.), her medical examination report and the statement of the children of the de-facto complainant.

The medical examination report of the de-facto complainant does not show any mark of injury. There is a delay of one and half months from the date of the incident till the lodgment of the First Information Report.

One of the children of the de-facto complainant claims in her 161 Cr.P.C. statement that the petitioner used to visit their residence frequently. In such circumstances, the issue of false implication cannot be overlooked.

Consequently, 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 once a fortnight 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.)