

15.11.2022

22

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 5198 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Baranagar** Police Station Case No. **620** of **2022** dated **21.10.2022** under Section 498A of the Indian Penal Code, 1860.

And

In Re : Ashoke Dey

..... petitioner

Mr. Soumyajit Das Mahapatra
....for the petitioner

Ms. Sayanti Santra
....for the State

Petitioner claims to be falsely implicated.

Apparently, the petitioner executed a Deed of Gift in respect of an immovable property in favour of his wife. Subsequent thereto, the present police complaint was lodged solely against the petitioner without any in-laws being implicated.

State is represented.

The issue of false implication and the police complaint being a result of the execution of the Deed of Gift cannot be overlooked at this stage.

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.)