

**16.11.2022**

Sl.29

Court No.29

(AD)

(Allowed)

**C.R.M. (A) 5231 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. **121 of 2022** dated **30.08.2022** under Sections **376/506** of the Indian Penal Code.

And

In the matter of: **Asraful Sk. @ Asraful Shaikh**

....petitioner.

Mr. Jisan Iqubal Hossain

...for the petitioner.

Ms. Kum Kum MItra

...for the State.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that there is a previous police complaint lodged by the sister of the petitioner, *inter alia*, under the Dowry Prohibition Act against the family members of the de facto complainant. As a counter-blast, the present police complaint was lodged.

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

The victim apparently refused to undergo any medical examination.

Apparently, the case diary does not contain any statement recorded under Section 161 or under Section 164 of the Code of Criminal Procedure of any person corroborating the petitioner in the alleged incident.

The issue of false implication in view of the prior police complaint 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/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will report before the Investigating Officer once a month 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.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

**C.R.M. (A) 5231 of 2022** is, thus, disposed of.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**