

30.11.2022

26

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 5544 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kharagpur (Local)** Police Station Case No. **748** of **2022** dated **17.09.2022** under Sections 447/323/354B/307/379/506/34 of the Indian Penal Code, 1860.

And

In Re : Tapan Kumar Ghorai

..... petitioner

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

Mr. Madhusudan Sur
Mr. Manoranjan Mahato
....for the State

The injured, apparently, did not suffer any grievous hurt.

There is a statement recorded by a lady under Section 164 of the Code of Criminal Procedure (Cr.P.C.), claiming that her modesty was outraged. The police are yet to conclude the investigations.

There is a pre-existing civil dispute between the private parties.

The issue of the petitioner being falsely implicated due to prior enmity cannot be overlooked at this stage.

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 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)