

05.12.2022
Serial no.16
Aloke

CRM (A) 5634 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Balurghat Police Station Case No. 413 of 2022 dated 14.06.2022 under Sections 376/420/506/34 of the Indian Penal Code.

-And-

In the matter of : **Sanjay Roy**

... .. Petitioner

Mr. Jisan Iquabal Hossain, Advocate

... .. For the Petitioner

Mr. Bidyut Kr. Roy, Advocate

Ms. Sima Biswas, Advocate

... ...For the State

Petitioner seeks anticipatory bail.

There is civil suit pending between the private parties. The petitioner is a recorded owner of an immovable property. The civil suit is in respect of such property.

There are two police complaints lodged against the petitioner, one before the officer-in-charge and one through jurisdictional Court under Section 156(3) of the Code of Criminal Procedure.

In such circumstances, the question of the petitioner being falsely implicated due to existence of prior enmity cannot be overlooked.

Consequently, 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 condition that the petitioner will report before the Investigating Officer once in a month 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) 5634 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)