

16.12.2022

Sl.3
Court No.29
(AD)
(Allowed)

C.R.M. (A) 5830 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with proceeding being G.R. No.9478/2022 arising out of **Dhakhineswar** Police Station Case No. **216 of 2022** dated **03.10.2022** under Sections **376/328/120B** of the Indian Penal Code.

And

In the matter of: **Sobhik Bhattacharjee alias Souvick Bhattacharya**

....petitioner.

Mr. Sandipan Ganguly, Ld. Sr. Advocate
Mr. Krishnendu Bhattacharyua
Mr. Rajib Mullick
Ms. Sonia Mukherjee
Ms. Shalini Bairagi

...for the petitioner.

Ms. Zareen N. Khan
Mr. Ashok Das

...for the State.

Petitioner prays for anticipatory bail.

The mother of the petitioner and his wife were granted anticipatory bail by the order dated November 21, 2022 passed in CRM (A) 5310 of 2022.

The primary ground for enlarging such petitioners was the issue of false implication in view of the disputes with regard to tenancy. Same materials in the case diary are relied upon on behalf of the State.

Today also, learned Advocate for the State is unable to satisfy the Court with regard to the same query which was raised on November 21, 2022.

The police are yet to rule out the possibility of a nexus between the de facto complainant and the person who is trying to

evict the petitioner from the immovable property as a tenant.

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) 5830 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)