

19.12.2022
Serial no.28
Aloke

CRM (A) 5883 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Narayangarh Police Station Case No. 296 of 2021 dated 26.10.2021 under Sections 498A/406/376/323/325/354B/34 of the Indian Penal Code and Section 3/4 of the D.P. Act.

-And-

In the matter of : **Panchanan Maity**

... .. Petitioner

Mr. Kallol Mondal, Advocate
Mr. Uttam Kr. De, Advocate
Ms. Jamuna Saha, Advocate

... .. For the Petitioner

Mr. Md. Anwar Hossain, Advocate
Mr. Benajir Hasna, Advocate

... ..For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. There is a proceeding with regard to the succession of the assets of the deceased husband. All other co-accused are on bail.

The police filed charge-sheet.

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 implicates another person in the allegations of rape in her statement recorded under Section 164 of the Code of Criminal Procedure. The police filed charge-sheet. All other co-accused are on bail.

In such circumstances, 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 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) 5883 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)