

CRM (A) 5904 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Bally Police Station Case No. 202 of 2022 dated 06.12.2022 under Section 380 of the Indian Penal Code.

-And-

In the matter of : **Debapriya Sarkar**

... .. Petitioner

Mr. Sourav Mondal, Advocate
Mr. Saikat Kar, Advocate

... .. For the Petitioner

Mr. Debabrata Chatterjee, Id. APP
Mr. Santanu Chatterjee, Advocate
Ms. Mausumi Sarkar, Advocate

... ..For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. The police complaint was lodged two months after the alleged incident.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that the de facto complainant scheduled to record her statement under Section 164 of the Code of Criminal Procedure today.

There is an issue of delay in the lodgment of the first information report.

The materials in the case diary do not suggest the need for custodial interrogation of the petitioner.

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 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) 5904 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)