

22.12.2022
Serial no. 20
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 5939 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Hanskhali** Police Station Case No. **1223** of **2022** dated **December 7, 2022** under Sections **467/448/471/472/419/420** of the Indian Penal Code.

-And-

In the matter of : **Shailen Ghosh**

... .. Petitioner

Ms. Sananda Bhattacharyya, Advocate

... .. For the Petitioner

Mr. Rudradipta Nandy, Id. APP

Mr. Subrata Roy,

Mr. Ashok Das, Advocates

... ..For the State

Petitioner lodged a complaint against the present de facto complainant invoking, *inter alia*, the provisions of the POCSO Act.

Subsequently, the present police complaint was lodged. The case diary does not contain any evidence as to the giving of money.

In such circumstances, there is an issue of false implication.

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 further

condition that the petitioner shall report before the Investigating Officer as and when called for 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) 5939 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)