

17.11.2022
Serial no.2
Aloke

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (A) 692 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Mathabhanga Police Station Case No. 501 of 2022 dated 19.08.2022 under Sections 376(1) of the Indian Penal Code.

-And-

In the matter of : **Umesh Chandra Barman @ Tappi**

... ... Petitioner

Mr. Prabir Kr. Mitra, Advocate
Ms. Subhanwita Ghosh, Advocate
Ms. Ariba Shabab, Advocate
Mr. Yashvardhan Shaw, Advocate

... ... For the Petitioner

Mr. Aditi Shankar Chakraborty, Advocate
Mr. Ujjwal Luksom, Advocate
Mr. Aniruddha Biswas, Advocate

... ... For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated.

There was a fight between the petitioner and the family of the de facto complainant where the petitioner received injuries. The petitioner lodged police complaint. He refers to the police complaint. He submits that subsequent to the lodgment of the police complaint by the petitioner, the de facto complainant lodged the present complainant claiming that she was violated.

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 and to the medical examination report.

There is a complaint lodged at the behest of the petitioner on August 21, 2022. Apparently, the petitioner was admitted to the hospital on August 16, 2022 and released on August 21, 2022. Apparently, there was an incident on August 16, 2022. The

164 statement of the victim also claims that there was an incident on August 16, 2022.

The issue of false implication of the petitioner cannot be overlooked at this stage.

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 to the Investigating Officer once in a fortnight 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) 692 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)