

20.12.2022
Serial no. 03
[Dd]
(Anticipatory bail)
Allowed)

CALCUTTA HIGH COURT
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (A) 765 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Matelli** Police Station Case No. **181** of **2022** dated **4th August, 2022** under Sections **406/420/464/467/506** of the Indian Penal Code and Section **8** of POCSO Act.

-And-

In the matter of : **Sekh Jiyaour Rahaman**
... .. Petitioner

Mr. Bibhasan Bhattacharya,
Md. Sayeed Khan,
Mr. Sayan Dev Kumar, Advocates
... .. *For the Petitioner*

Mr. Aditi Shankar Chakraborty, Id. APP
Mr. Saikat Chatterjee, Advocates (Via video conference)
... ..*For the State*

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated. There is a civil suit pending. The police complaint was lodged subsequent to the civil suit.

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 Criminal Procedure Code. He submits that there was no marriage as claimed by the petitioner.

There is a civil suit pending between the private parties. There is an issue of false implication of the petitioner.

Considering the materials in the case diary and the statement of the victim recorded under Section 164 of the Criminal Procedure Code, we are of the view that custodial interrogation of the petitioner is not necessary.

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 report before 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) 765 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)