

31.01.2023

23

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 384 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Santipur** Police Station Case No. **1272** of **2022** dated **07.12.2022** under Sections 376/327/307/195A of the Indian Penal Code.

And

In Re : Paritosh Sarkar

..... petitioner

Ms. Minoti Gomes

....for the petitioners

Mr. Arijit Ganguly

Mr. Avik Ghatak

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. The petitioner is a Border Security Force (BSF) personnel presently posted at Uttar Pradesh. There were two previous police complaints as against the petitioner by the de-facto complainant. The petitioner responded to a call made by the de-facto complainant that she was willing to withdraw the two police cases against the petitioner.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.)

and the materials in the case diary. He submits that, the statement of the victim stands corroborated by the seizures made. The petitioner and the de-facto complainant registered themselves with a hotel.

There are two previous police complaints against the petitioner. The petitioner and the de-facto complainant are married. Marriage is yet to be dissolved. It questions the allegation of Section 376.

The issue of false implication cannot be overlooked.

Moreover, the petitioner is working with BSF.

In such circumstances, we 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/-, 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 meet the Investigating Officer as and when called for till the conclusion of the investigation and on 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)