

07.02.2023

42

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 546 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **English Bazar Women** Police Station Case No. **249** of **2022** dated **06.12.2022** under Sections 448/376/506/34 of the Indian Penal Code.

And

In Re : Ajay Paul @ Ajay Pal

..... petitioner

Ms. Minoti Gomes

Mr. M. Alam Sk.

Ms. Susmita Ghorai

....for the petitioner

Mr. S. S.Imam

Mr. Sk. Arif Hossain

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. She submits that, there are disputes amongst the family members with regard to immovable properties belonging to Gayatri Das.

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 (Cr.P.C.) and a statement of a relative of the victim.

The victim in her 164 Cr.P.C. statement implicates the petitioner in the incident of rape. The relative of the victim corroborates her.

However, Gayatri Das, who is the mother-in-law of the victim in her 164 Cr.P.C. statement claims that she was driven away by her relatives and that since she is under the shelter of the present petitioner, the petitioner and his family members are being subjected to numerous false police cases.

There are issues raised with regard to the complicity of the petitioner on the strength of the two 164 Cr.P.C. statements appearing in the case diary.

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.)