

16.02.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 680 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bagdah** Police Station Case No. **59** of **2023** dated **22.01.2023** under Sections 354A/354/354D/506/509 of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re : Animesh Bain

..... petitioner

Mr. Susnigdho Bhattacharya
....for the petitioner

Mr. Debabrata Chatterjee
Mr. Arani Bhattacharya
....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. The petitioner is entitled to the price of the building materials sold and delivered to the father of the so-called victim. A village mediation took place. The liability of the father of the victim was quantified. Out of the quantified amount, a portion was paid. Thereafter, the police complaint was lodged.

The victim in her statement recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.) implicates the petitioner. However, there is an issue of false implication. Apparently, the father of the victim was in jurial relationship with the petitioner. Apparently, the father of the victim owes

money to the petitioner on account of building materials sold and delivered by the petitioner to the father of the victim.

In such circumstances, need for custodial interrogation of the petitioner is not felt.

Consequently, 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.)

