

11.04.2023
Serial no. 35
[Dd]
(Anticipatory bail)
Allowed

CRM (A) 1525 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Balurghat** Police Station Case No. **158** of **2023** dated **27.02.2023** (Corresponding to G.R. Case no. 375/2023) under Sections **498A/307/354/506/34** of the IPC.

And-

In the matter of : **Sourav Sunil Kakre @ Saurabh Sunil Kakade**

... .. Petitioner

Mr. Kallol Mondal,
Mr. Krishan Ray,
Mr. Arup Sarkar,
Mr. Souvik Das,
Ms. Sabnam Laskar, Advocates
... .. *For the Petitioner*

Mr. Saswata Gopal Mukherji, Id. PP
Mr. Aniket Mitra, Advocates
... ..*For the State*

Husband before the Court seeking anticipatory bail on the ground of false implication.

The de facto complainant recorded a statement under Section 164 of the Criminal Procedure Code where, she claims that the petitioner along with his friend went to her paternal home to take away the child. A commotion ensued in which the de facto complainant and her family members were assaulted and their modesty outraged.

Statement recorded under Section 161 of the Criminal Procedure Code of the neighbour claims that there was a commotion at the locality whereupon, people intervened and petitioner and his friend fled away.

There is, however, statement recorded under Section 161 of the Criminal Procedure Code by any person claiming that such person arrived at the place of occurrence on hearing the commotion and saw the petitioner and his friend to flee away from the place.

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 month 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) 1525 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)