

26.04.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1787 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. **30** of **2023** dated **17.02.2023** under Sections 448/376/506/323/34 of the Indian Penal Code, 1860.

And

In Re : Bappa Das

..... petitioner

Mr. Arup Kumar Bhowmick
....for the petitioner

Mr. Abhra Mukherjee
Mr. Dipankar Mahata
....for the State

There is a previous police complaint lodged by the wife of the petitioner against the husband of the de-facto complainant on December 13, 2022, which was registered as English Bazar P.S. Case No. 1857 of 2022 dated December 13, 2022 under Sections 341/325/376/506/34 of the Indian Penal Code.

The present police complaint was lodged subsequent to an order passed under Section 156(3) of the Indian Penal Code. There is an apparent delay of two months from the date of the incident.

There is an issue of false implication.

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 once a month 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.)

(Rai Chattopadhyay, J.)