

08.05.2023

Serial no. 09

[Dd]

(Anticipatory bail)

(Allowed)

CRM (A) 1895 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Durgapur Women** Police Station Case No. **23** of **2023** dated **20.04.2023** under Sections **341 /323 /324 /307 /427 /201 /506 / 120B/34** of the Indian Penal Code.*

-And-

In the matter of : **Dr. Ajajul Ali Khan**

... .. Petitioner

Mr. Bikash Ranjan Bhattacharya, Id. Sr. adv.

Mr. Uday Sankar Chattopadhyay,

Mr. Suman Sankar Chattopadhyay,

Ms. Trisha Rakshit,

Ms. Rajashree Tah,

Mr. Ashadeep Karmakar, Advocates

... .. For the Petitioner

Mr. S.S. Imam,

Mr. S. Kundu, Advocates

... ..For the State

A University professor is before us seeking anticipatory bail on the ground of false implication.

Learned senior advocate appearing for the petitioner submits that a complaint was filed by the de facto complainant against the petitioner complaining of amorous relationship with the promise of marriage. Such police case is pending. During the pendency of such police case the present police case was instituted claiming that two unknown persons came on a motorcycle and snatched her mobile phone, deleted the relevant data and threw the mobile phone. He submits that the entire incident is improbable. The incident is claimed to happen in a crowded place.

Learned advocate appearing for the State draws the attention of the Court to the statement of the de facto complainant recorded under Section 164 of the Criminal Procedure Code.

On a query from the Court, learned advocate appearing for the State submits that the police are yet to record any statement of any eye-witness to the incident.

In the facts of the present case, apparently, a mobile phone is said to be snatched from the petitioner from a crowded place. It is also claimed that immediately on such mobile phone being snatched, the Whatsapp messages were deleted and the phone thrown away. The de facto complainant retrieved such mobile phone. The incident is claimed to occur was a market place where presence of members of public is normal. As noted above, the case diary does not contain any statement of any eye-witness to the incident.

In such circumstances, we deem it appropriate 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 as and when called for 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) 1895 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)