

12.05.2023

Serial no. 09

[Dd]

(Anticipatory bail)

(Allowed)

CRM (A) 1956 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Tehatta** Police Station Case No. **874** of **2022** dated **05.10.2022** under Sections **448/376/511/506/34** of the Indian Penal Code.*

-And-

In the matter of : **Samiran Biswas**

... .. Petitioner

Mr. Asraf Mondal, Advocate

... .. For the Petitioner

Mr. Joydeep Roy, jr. govt. adv.

Mr. Amanul Islam, Advocate

... ...For the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that there is a long standing property dispute between the petitioner and the de facto complainant. The petitioner is being falsely implicated in the present police case.

The de facto complainant recorded a statement under Section 164 of the Criminal Procedure Code. De facto complainant refused to undergo any medical examination.

There are two statements recorded under Section 161 of the Criminal Procedure Code of neighbours which speak of property dispute and an incident of assault on the de facto complainant. There is no allegation of attempt to rape the de facto complainant made by the neighbours.

Incident of assault stands uncorroborated at this stage in absence of any medical report.

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 fortnight 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) 1956 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)