

29.11.2023

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Allowed

C.R.M. (A) No. 5028 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. 687 of 2023 dated 28.08.2023 under Sections 448/376/511/34 of the Indian Penal Code.

And

In Re : Balai Ghosh @ Balaram Ghosh petitioner

Mr. Ashok Das
Mr. Amanul Islam
Mr. Sourav Mukherjee
Ms. Hasi Jana

.....for the petitioner

Mr. Narayan Prasad Agarwala
Mr. Pratick Bose

....for the State

1. Learned Counsel of the petitioner submits he has been falsely implicated in the instant case. There is enmity between two families. There was delay in lodging FIR. He prays for anticipatory bail.

2. Learned Counsel for the State opposes the prayer for anticipatory bail.

3. We have considered the materials on record. There is dispute between two families. The present case was registered in retaliation to an earlier complaint lodged by the mother of the petitioner. There is delay in lodging FIR. Credibility of the allegations requires to be assessed in the light of the aforesaid circumstances. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.

4. 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 condition that he shall appear before the court below and pray for regular bail within a period of four weeks from date.

5. This application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)