

CRM (A) 5995 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Chandannagore Police Station Case No. 142 of 2021 dated 08.07.2021 under Sections 417/376/120B/506 of the Indian Penal Code.

-And-

In the matter of : **Soumitro Biswas**

... .. Petitioner

Mr. Bitasok Banerjee, Advocate

... .. For the Petitioner

Mr. Gautam Banerjee, Advocate

... ..For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. The petitioner was out of India since 2018 onwards. The alleged incident is claimed to be of 2017 and that the first information report was lodged in 2021.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

The victim and the petitioner are adults.

There is an aspect of delay in the lodgment of the first information report. There is an aspect of alibi sought to be set up on behalf of the petitioner.

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 condition that the petitioner will 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) 5995 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)