

19.03.2024

43

Ct. No. 29

S.D.

Allowed

C.R.M.(A) 866 of 2024

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nakashipara** Police Station Case No. **387** of **2023** dated **12.05.2023** under Sections **376** of the Indian Penal Code.

And

In Re : **Gopal Sarkar**

..... petitioner

Mr. Surya Prasad Chattopadhyay

Mr. Arjun Samanta

...for the petitioner

Mr. Provas Bhattacharya

Mr. Arani Bhattacharya

...for the State

Mr. Sumanta Das

Ms. Atreyee Halder

..for the defacto-complainant

Affidavit of service filed in Court be taken on record.

Petitioner, State and the defacto-complainant are represented.

Apparently, there is a prior police complaint lodged by the wife of the petitioner. There is a delay of about 6 days in lodging the present police complaint.

Materials in the case diary does not suggest the requirement of placing the petitioner in custody for investigation at this stage.

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. The petitioner will report before the Investigating Officer once a fortnight till the conclusion of the investigation. 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.)

(Md. Shabbar Rashidi, J.)