

05.04.2024

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S.D./A.D.
Allowed

C.R.M. (A) No. 887 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Tehatta Police Station Case No. 811 of 2023 dated 17.10.2023 under Sections 448/376/511/506/323/379/34 of the Indian Penal Code pending before the learned Additional Chief Judicial Magistrate, Tehatta Nadia.

And

In Re : Samar Halder petitioner

Mr. Partha Pratim Das
Mr. Asraf Mondal
Mr. Monojit Chakraborty
.....for the petitioner

Mr. Dipankar Mahata
....for the State

1. Petitioner submits he had lodged a criminal case against the de facto complainant alleging assault. After lapse of 6 months de facto complainant, who is his daughter-in-law, has falsely implicated him in this case. He prays for anticipatory bail.
2. Learned Lawyer for the State opposes the prayer for anticipatory bail.
3. In spite of notice nobody represents the de facto complainant.
4. We have considered the materials on record including the statement of the victim. She alleged on 15.4.2023 petitioner had sexually assaulted her. However, FIR was registered after 6 months, presumably in retaliation to a criminal case lodged by the petitioner against her. Possibility of false implication of the petitioner cannot be ruled out.

5. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.
6. 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 he shall appear before the jurisdictional Court and pray for regular bail within a period of four weeks from date and on further conditions petitioner shall meet the Investigating Officer once in a week until further orders.
7. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)