

13.03.2024
Item No.6
Ct. No. 29
CHC
Allowed

C.R.M.(A) 880 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chatterjeehat** Police Station Case No. **23/2024** dated **05.02.2024** under Sections **341/ 323/ 325/ 326B/ 354A/ 354B/509/506** and **34** of the Indian Penal Code.

And

In the matter of : Kanad Saha

..... petitioner

Mrs. Malabika Saha,
Ms. Sharmistha Paul

....for the petitioner

Mr. Koushik Kundu

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, petitioner was falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the materials in the Case Diary.

Case Diary contains one statement recorded under Section 161 of Criminal Procedure Code and Section 164 thereof of the de facto complainant.

There is no corroborative material with regard to the incident as alleged by the de facto complainant involved with the statement in the Case Diary. Case Diary does not contain any injury report. De facto complainant stated that, she did not attend any hospital for her treatment. There is no eyewitness to the incident alleged to be occurring in a place which is inhabited.

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/- (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 will report before the Investigating Officer once in a fortnight till the conclusion of investigation and on 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.

This application for anticipatory bail is, thus, allowed.

CRM(A) 880 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)