19.03.2024
Serial no. 12
Anticipatory bail
[Allowed]
Dd

CRM (A) 930 of 2024

In re : An Application for ***Anticipatory Bail*** *under Section* ***438*** *of the Code of Criminal Procedure in connection with* ***Ranigunj*** *Police Station Case No.* ***451*** *of* ***2023*** *dated* ***03.11.2023*** *under Sections* ***498A/376/406/120B/34*** *of the* Indian Penal *Code, 1860 pending before Learned Chief Judicial Magistrate, Asansol, Paschim Bardhaman.*

-And-

In the matter of : **Vishal Agarwal**
... ... Petitioner

Mr. Amitabha Ghosh,
Ms. Nabanita Chatterjee,
Ms. Enakshi Mitra,
Ms. Arpita Dhar, Advocates
... ... For the Petitioner

Mr. S. S. Imam,
Ms. Baishakhi Chatterjee, Advocate
... ...For the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated. Husband was arrested and granted bail. He points out that there is a matrimonial suit between the de fact complainant and her husband. The present police compliant was filed subsequent to the matrimonial suit being instituted.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary.

Two co-accuseds were granted bail by the coordinate Bench by the order dated December 20, 2023 passed in CRM (DB) 4628 of 2023 and another co-accused was granted anticipatory bail by our order dated February 7, 2024 passed in CRM (A) 5543 of 2023.

Signed By :
DEBABRATA
DAS
High Court of
Calcutta
19 th of March
2024 04:13:52 PM

The allegation of rape is as against the petitioner.

However, there is a previous matrimonial suit between the de facto complainant and her husband.

There is also an issue of delay in the lodgment of the first information report.

In such circumstances, considering the materials in the case diary, we do not find need for putting the petitioner into custody at this stage.

Consequently, 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 shall report before the Investigating Officer once in a fortnight 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) 930 of 2024 is **disposed of**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)