

15.04.2024
Item No.52
AD/SD
Court No.28
(Allowed)

C.R.M. (A) No. 1287 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kotwali** Police Station Case No. **52 of 2024** dated **05.02.2024** under Sections **406/420/506/34** of the Indian Penal Code, 1860 pending before the Learned Chief Judicial Magistrate, Paschim Medinipur (G.R. Case No.315 of 2024)

And

In Re : Somen Krishna Samanta

..... petitioner

Mr. Pravas Bhattacharyya

.....for the petitioner

Ms. Sayanti Santra

Mr. Soumadip Saha

....for the State

1. Petitioner contends the de facto complainant had a romantic relationship with his daughter. Subsequently, he refused to marry and assaulted her. His daughter lodged a criminal case being Kotwali Police Station Case No.3 of 2024 dated 08.01.2024 against the de facto complainant. In retaliation, the present case has been registered. Petitioner prays for anticipatory bail.
2. Learned lawyer for the State opposes the prayer for anticipatory bail.
3. We have considered the materials on record. Petitioner's daughter had lodged an earlier criminal case against the de facto complainant. Thereafter, petitioner was implicated in the case alleging in 2022 that he had taken Rs.3 lacs on the promises of securing employment in a municipality. No contemporaneous complaint had been

lodged. Possibility of false implication due to the prior enmity cannot be ruled out.

4. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.
5. 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 that he shall appear before jurisdictional Court and pray for regular bail within a period of four weeks from date and on further condition that he shall meet the Investigating Officer once a week until further orders.
6. The prayer for anticipatory bail of the petitioner is allowed.
7. **C.R.M. (A) No. 1287 of 2024** is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)