

04.01.2024
Item No.119
Ct. No. 29
CHC
Allowed

C.R.M.(A) 4568 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bolpur** Police Station Case No. **417** of **2023** dated **15.05.2023** under Sections **354A/506** and **509** of the Indian Penal Code, 1860 and Sections **66E/67A and 67** of the Information Technology Act, 2000.

And

In the matter of : Jayanta Singh

..... petitioner

Md. Sabir Ahmed,
Mr. T. Ahmed,
Mr. Dhiman Banerjee
....for the petitioner

Mr. Rudradipta Nandy, Ld. A.P.P.
Ms. Sonali Das
....for the State

Petition is taken up for consideration subsequent to the order dated October 16, 2023.

By such order, coordinate Bench granted interim anticipatory bail to the petitioner.

It is submitted at the bar that, such order was passed without consulting the materials in the Case Diary and in view of the ensuing Puja Vacation.

Learned advocate appearing for the petitioner submits that repeated police complaints are being filed as against the petitioner by the same de facto complaint. Petitioner and the de facto complainant were in a relation earlier. In the earlier two complaints to the police, the petitioner obtained bail.

Learned advocate appearing for the State draws the attention of the Court to the materials in the Case Diary including the seizure list. He submits that proclamation order was issued as against the petitioner.

We find from the records that, the petitioner approached the High Court by way of this application on September 29, 2023 and that interim order was passed on October 16, 2023. The order of proclamation was subsequent to the petitioner approaching the High Court.

Issue of false implication of the petitioner cannot be overlooked. Repeated police complaints have been filed as against the petitioner by the de facto complainant. The allegations presently levelled as against the petitioner was not complained of by the de facto complainant in the earlier two police complaints.

In such circumstances, we confirm the interim order dated October 16, 2023.

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 petitioner shall meet the Investigating Officer once in a month 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) 4568 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)