

09.01.2024

Serial no. 197

Anticipatory bail

[Allowed]

Dd

CRM (A) 4694 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Chandipur** Police Station Case No. **134** of **2023** dated **20.04.2023** under Sections **363/365/364A/344/120B/506** of the Indian Penal Code, 1860.
(G.R. Case No. 1178 / 2023)*

-And-

*In the matter of : **Ram Prakash @ Ram Prakash Bhutuliya Singh***

... .. Petitioner

*Mr. Amitabha Karmakar,
Mr. Arup Kr. Bhowmick, Advocates
... .. For the Petitioner*

*Mr. Madhusudan Sur, APP
Mr. Dipankar Paramanick, Advocates
... ..For the State*

Petition is taken up for consideration subsequent to order dated October 17, 2023.

By such order, interim anticipatory bail was granted by the co-ordinate Bench.

It is submitted at the Bar that the co-ordinate Bench did not consider the materials in the case diary and passed such order in view of the ensuing Puja vacation.

We perused the materials in the case diary.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated. There is a previous police complaint of cheating as against the husband of the de facto complainant.

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

We find from the materials in the case diary that, one Kheragarh Police Case No. 173 of 2022 dated September 2, 2022 under Sections 420/406/506 of the Indian Penal Code,

1860 was registered as against the husband of the de facto complainant. Such police case was resulted in a charge sheet being filed.

In the present police case, the de facto complainant claims that husband of the de facto complainant went missing from February, 2023. The Investigating Officer of the earlier police case recorded a statement under Section 161 of the Criminal Procedure Code stating that, the husband of the de facto complainant met him on February 26, 2023.

The present police complaint was lodged in April, 2023.

There is an element of false implication involved.

In such circumstances, we confirm the interim order granted on October 17, 2023.

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 as and when called for 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) 4694 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)