

09.01.2024
Item No.185ML
Ct. No. 29
CHC
Allowed

C.R.M.(A) 4822 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Panchla** Police Station Case No. **112** of **2021** dated **10.04.2021** under Sections **448/341/323/354A/379/195A/427/506/34** of the Indian Penal Code and under Section **8** of POCSO Act.

And

In the matter of : Pintu Ghosh

..... petitioner

Mr. Dipanjan Chatterjee,
Mr. Asit Nayek,
Ms. Rimpa Adhikari
....for the petitioner

Mr. Rudradipta Nandy, Ld. A.P.P.
Mr. Iqbal Kabir
....for the State

Petition is taken up for consideration subsequent to the order dated October 17, 2023 passed by the co-ordinate Bench.

By such order, the 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.

We perused the materials in the Case Diary.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. The first police complaint was lodged against the petitioner against the de facto complainant and their family members. The second police complaint was at the behest of the de facto complainant. The third police complaint which involved provisions of POCSO Act was at the behest of the de facto complainant. Fourth police complaint is the present police case.

We perused the statement of the victim recorded under Section 164 of the Criminal Procedure Code.

There exist disputes between the private parties.

Possibility of false implication of the petitioner cannot be overlooked at this stage.

Police filed charge-sheet.

In such circumstances, we confirm the interim order dated October 17, 2023 passed by co-ordinate Bench.

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 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) 4822 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)