

10.01.2024
Item No.29
Ct. No. 29
CHC
Allowed

C.R.M.(A) 5745 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Domkal** Police Station Case No. **568** of **2023** dated **20.08.2023** under Sections **341/323/354/506/34** of the Indian Penal Code adding Sections **10/12** of the Protection of Children from Sexual Offences Act.

And

In the matter of : Jahangir Shah @ Jahingir Sha
..... petitioner

Md. Golam Nure Imrohi
....for the petitioner

Mr. Partha Pratim Das,
Mr. S.S. Saha
....for the State

Leave granted to the learned advocate appearing for the petitioner to correct the cause-title.

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated.

There was an incident of assault arising out of property disputes.

We perused the materials in the Case Diary.

The victim recorded her statement under Section 164 of the Criminal Procedure Code, where she stated that there was a pre-existing dispute with regard to the property. An incident of assault was taking place when she intervened in order to save

her mother whereupon, the petitioner touched her improperly.

There is an issue of false implication.

In such circumstances, 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 will report before the Investigating Officer once in a month till the conclusion of 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.

This application for anticipatory bail is, thus, allowed.

CRM(A) 5745 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)