

C.R.M. 9403 of 2020

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Malipanchghora P. S. Case No.155 of 2020 dated 26.07.2020 under Sections 376(2)(f)(n) of the IPC.

In the matter of : Abinash Kharwar @ Avinash
... Petitioner.
Mr. S.B.Roychowdhury
...for the Petitioner.
Mr. Bidyut Kr. Roy
Ms. Rita Datta
.....for the State.
Mr. Dipanjan Dutta
... for de facto

There is a delay in lodging the First Information report.

It is submitted that the petitioner has been falsely implicated in the instant case due to family dispute.

Learned lawyer for the State opposes the prayer for anticipatory bail.

We have considered the materials on record including the statement of the victim girl. She had refused medical examination.

In view of the aforesaid facts, particularly the delay in lodging First Information Report, we are inclined to grant anticipatory bail to the petitioner on condition.

Accordingly, we direct that in the event of arrest, the petitioner 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 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 not leave the jurisdiction of Malipanchghora Police Station until further orders except for

the purposes of attending the court proceedings and shall provide the address to the concerned Police station where the petitioner shall presently reside.

The application for anticipatory bail is, accordingly, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J)

