

CRM 4011 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Murutia Police Station** Case No. **71 of 2021** dated **09.04.2021** under Sections **448/376/511/506** of the Indian Penal Code.

- A n d -

In the matter of : Asadul Khan @ Ashadul Khan

.... Petitioner.

Mr. S. Chatterjee,
Mr. D. Kundu,
Mr. A. Patra,

... For the Petitioner.

Mr. I. Ali,
Mr. M. F. Ahmed Begg,

... For the State.

The petitioner says that he has been falsely implicated. The victim is a married lady aged about 34 years, whose husband works in Dubai. The allegation is that the petitioner came to the victim's house and knocked on the door. The victim knowing that the petitioner had come opened the door and then the petitioner tried to violate her. The brother-in-law along with his son was present in the house of the victim. Learned Advocate says that it is also the allegation that the petitioner used to allegedly disturb the victim. If that be so, the victim surely would not have let the petitioner into the house.

We have seen the material in the case diary including the statements of the victim recorded under Sections 161 and 164 of the Code of Criminal Procedure. We have also seen the medical report. The victim refused to undergo medical examination. Charge sheet has been submitted upon completion of investigation.

On an overall assessment of the facts and circumstances of the case and the material in the case diary, we are of the view that immediate custodial interrogation of the petitioner is not necessary.

Accordingly, in the event of arrest, the petitioner, namely, **Asadul Khan @ Ashadul Khan** shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

In the event the petitioner fails to adhere to any of the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 4011 of 2021 is, thus, allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(**Bivas Pattanayak, J.**)

(**Arijit Banerjee, J.**)