

29.03.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 54 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Harishchandrapur** Police Station Case No. **432** of **2021** dated **10.06.2021** under Sections 448/376 of the Indian Penal Code, 1860.

And

In Re : Mohidur Rahaman

..... petitioner

Ms. Kazi M. Rahaman

....for the petitioner

Mr. N. P. Agarwala

Mr. Saryati Dutta

....for the State

Petitioner seeks anticipatory bail.

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

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 161 of the Code of Criminal Procedure (Cr.P.C.) and under Section 164 of the Cr.P.C. thereof.

In her 161 Cr.P.C. statement, the victim acknowledges the relationship between her and the petitioner. The 164 Cr.P.C. statement is, however, different.

Considering the duality of the statement of the victim as transpiring from the materials available in the case diary and

considering the gravity of the offence and the involvement of the petitioner therein, 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/-, 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 meet the Investigating Officer once in a fortnight till the conclusion of the investigation and on condition that the petitioner shall appear every day 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.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

