

11.03.2022

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Ct. No. 29

**KAUSHIK**

Allowed

**C.R.M.(A) 1183 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. **799** of **2021** dated **26.10.2021** under Section 376 of the Indian Penal Code.

And

In Re : Nobi Box @ Jhiktu @ Nabibux.

..... petitioner

Mr. Kallol Mondal

Mr. Amanul Islam

Mr. Krishan Roy

Mr. Arup Sarkar

Mr. Soumik Das

....for the petitioner

Mr. Saswata Gopal Mukherjee, learned Public Prosecutor

Ms. Faria Hossain

Mr. Anand Keshari

....for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. He submits that, the victim claimed before the doctor at the time of her medical examination that no sexual assault took place. She developed the allegation of rape in her statement recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.), which was made after a lapse of time. Learned advocate appearing for the petitioner also submits that, the earlier application for anticipatory bail was not pressed.

Learned advocate appearing for the State draws the attention of the Court to the 164 Cr.P.C. statement of the victim and the medical report.

Considering the contents of the medical report where the doctor states that the victim claimed that there was no sexual assault to her only molestation took place and considering the 164 Cr.P.C. statement of the victim, 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 before the jurisdictional court on every date fixed and pray for regular bail within a period of four weeks from date.

The petitioner will make over the mobile phone used by him to the Investigating Officer forthwith.

This application for anticipatory bail is, thus, allowed.

**(Debangsu Basak, J.)**

**(Bibhas Ranjan De, J.)**

