

6 08.09.2022
(AD) Court No.29
(Allowed)

C.R.M. (A) 4306 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Harishchandrapur** P.S. Case No.**702 of 2022** dated **07/08/2022** under Sections **376D/506** of the Indian Penal Code, 1860.

And

In the matter of: **Abdul Hosen @ Abdul Hossain & Ors.**

....petitioners.

Mr. Soupal Chatterjee
Ms. Sucheta Banerjee

...for the petitioners.

Mr. Ranabir Roy Chowdhury
Mr. Sandip Chakraborty

...for the State.

Petitioners pray for anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioners were falsely implicated. He submits that there is a previous police complaint lodged at the behest of the petitioners. The present police complaint was lodged two months after the incident. There is an ongoing property dispute between the private parties.

Learned Advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

In her statement recorded under Section 164 of the Code of Criminal Procedure, the victim claimed that she was ravished by the first two petitioners with the assistance of the third petitioner at midnight.

Apparently, the incident took place in a populated area without the victim raising any hue and cry contemporaneously.

The victim refused to undergo medical examination.

There is a counter police complaint prior in point of time.

In such circumstances, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each to the satisfaction of the Arresting Officer and also 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 nos. 1 and 2 will report before the Investigating Officer once a fortnight till the conclusion of the investigation and petitioner no.3 will cooperate with the investigation till the conclusion of the investigation and on condition that the petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 4306 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)