

07.09.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 4309 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Ranaghat** Police Station Case No. **380** of **2022** dated **01.06.2022** under Sections 376/448/376/323/325/506/509/34 of the Indian Penal Code, 1860.

And

In Re : Jayanta Debnath

..... petitioner

Ms. Minoti Gomes

Mr. Amanul Islam

Mr. Sourav Mukherjee

....for the petitioner

Ms. Faria Hossain

Ms. Baisali Basu

Ms. Mamata Jana

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, there was a delay in the lodgment of the First Information Report (FIR).

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 (Cr.P.C.). She submits that, there was a mediation. The statement was recorded subsequent thereto. The victim refused to undergo any medical examination.

The case diary apparently does not contain any injury reports of any of the victims.

There is a delay in the lodgment of the FIR. The person claimed to be ravished did not undergo any medical examination.

In such circumstances, 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 a fortnight till the conclusion of the investigation and on condition that the petitioner 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 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.)

(Md. Shabbar Rashidi, J.)

