

26.09.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 4556 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Berhampore** Police Station Case No. **945** of **2022** dated **19.07.2022** under Sections 341/325/376/511/506/34 of the Indian Penal Code, 1860 read with Section 12 of the Protection of Children from Sexual Offences Act.

And

In Re : Avijit Bhuinmali @ Rahul & Ors.

..... petitioners

Mr. Saryati Dutta

Mr. Dipnil Banerjee

Ms. Chitraki Biswas

....for the petitioners

Mr. Pravas Bhattacharya

Mr. Suman Saha

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the petitioners were falsely implicated due to a previous 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 (Cr.P.C.).

In her 164 Cr.P.C. statement, the victim claims that, her father was also assaulted and her father lost consciousness when her father went to rescue her.

The case diary does not contain any injury report of the father of the victim.

The 164 Cr.P.C. statement of the victim is not corroborated with the medical evidence.

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/- each, 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 petitioners shall meet the Investigating Officer once a fortnight 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

