

31.10.2022
Serial no. 74
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 4806 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Kaliyaganj** Police Station Case No. **348** of **2022** dated **17.07.2022** under Sections **498A, 325, 307, 34** of the Indian Penal Code, read with Sections **3/4** Dowry Provision Act, Corresponding to G.R. Case NO. **1897** of **2022**.

-And-

In the matter of : **Esmail alias Ismail Haque**
... .. Petitioner

Mr. Kushal Paul, Advocate
... .. *For the Petitioner*

Mr. Imran Ali,
Ms. Debjani Sahoo, Advocates
... ..*For the State*

Petitioner prays for anticipatory bail.

The husband was granted bail by the jurisdictional Court. The de facto complainant in her statement recorded under Section 164 of the Criminal Procedure Code alleges an attempt made on her to ravish her and ultimately she was ravished.

The police are yet to include the provisions of Section 376 of the Indian Penal Code, 1860 in the police case.

The petitioner before us is the father-in-law.

The de facto complainant did not undergo any medical examination.

In such circumstances, we are inclined to 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/- (Rupees Ten Thousand Only), 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 report before the Investigating Officer once in a fortnight till the conclusion of the investigation and on further 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.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 4806 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)