

10.11.2022  
Serial no.32  
Aloke

**CRM (A) 5163 of 2022**

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Itahar Police Station Case No. 517 of 2022 dated 02.10.2022 under Sections 341/376/506 of the Indian Penal Code.

-And-

In the matter of : **Afsar Ali @ Aphasar Ali**

... .. Petitioner

Ms. Minoti Gomes, Advocate

Ms. Busra Khatoon, Advocate

... .. For the Petitioner

Mr. Shiladitya Banerjee, Advocate

... ..For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the State draws the attention to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. He submits that the victim refused to undergo medical examination.

The police complaint was lodged four days after the incident. The victim refused to undergo medical examination. The petitioner claims to be 78 years of age.

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 condition that the petitioner shall meet the Investigating Officer once in a week 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) 5163 of 2022 is disposed of.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**