

28.11.2022

23

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 5493 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Manikchak** Police Station Case No. **447** of **2022** dated **17.08.2022** under Sections 417/376/379/34 of the Indian Penal Code, 1860.

And

In Re : Sk. Mojaffar Ali @ Sk. Mojaffar

..... petitioner

Mr. Mrityunjoy Chatterjee
Mr. Debapriya Majumdar
....for the petitioner

Mr. Pravas Bhattacharya
Mr. Pratick Bose
....for the State

The statement of the victim recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.) states that, the incident occurred on August 5, 2022 along with along with her friend.

The incident, apparently, occurred at a place where there is every livelihood of the same being seen by the members of the public.

A resident of the place of occurrence claims that, she did not see or hear anything about the incident. The medical examination report of the victim does not corroborate the statement of the victim.

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 month 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.)