

08.12.2022
Serial no.64
S. De

CRM (A) 5734 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Kotwali Police Station Case No. 1037 of 2022 dated 08.10.2022 under Sections 447/376/511 of the Indian Penal Code.

-And-

In the matter of : **Ajit Sardar**

... .. Petitioner

Mr. Kusal Kr. Mukherjee,

... .. For the Petitioner

Mr. Ajijit Ganguly, Advocate,

Mr. Sanjib Kr. Dan, Advocate

... ..For the State

the victim refused to undergo any medical examination.

The victim recorded statement under Section 164 of the Code of Criminal Procedure where she claimed that the petitioner attempted to rape her. It is claimed that the petitioner also assaulted her from such attempt. The claim for assault is not corroborated by any medical evidence.

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/- (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 will 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) 5734 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)