

12.12.2022

Sl.24

Court No.29

(AD)

(Allowed)

C.R.M. (A) 5742 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Ratua** Police Station Case No. **418 of 2022** dated **02.08.2022** under Sections **452/376/511/324** of the Indian Penal Code, 1860.

And

In the matter of: **Masud Alam @ Masud Ali**

....petitioner.

Mr. Soupal Chatterjee

...for the petitioner.

Mr. Sudip Kumar

...for the State.

Petitioner prays for anticipatory bail.

Petitioner claims that there is prior enmity between the petitioner and the family of the de facto complainant. Consequently, the petitioner was falsely implicated.

The statement of the victim recorded under Section 164 of the Code of Criminal Procedure suggests that there was an attempt to rape her.

The victim refused to undergo any medical test.

In such circumstances, considering the gravity of the offence, the involvement of the petitioner therein and considering the fact that there is an issue of prior enmity between the parties, 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 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 a fortnight 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.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 5742 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)