

19.12.2022
Serial no. 06
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 5833 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with G.R. Case No. **2519 of 2022** arising out of **Pukhuria** Police Station Case No. **389 of 2022** dated **10.09.2022** under Sections **376/506** of the Indian Penal Code.

-And-

In the matter of : **Saddam Hossain**

... .. Petitioner

Mr. Amit Ranjan Pati,
Mr. Ashok Halder,
Ms. Reshmi Mukherjee,
Mr. Sunayan Ghosh, Advocates
... .. *For the Petitioner*

Mr. S. S. Imam,
Mr. S. Kundu, Advocates
... ..*For the State*

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Criminal Procedure Code and to the medical examination reports of the victim.

In a statement to the Doctor, the victim refused to undergo any medical examination.

Apparently, the police complaint was lodged two months after the alleged incident.

Considering the materials in the case diary, the gravity of the offence and the involvement of the petitioner therein and considering the fact that the victim refused to undergo medical

examination, 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 month 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) 5833 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)