

18.01.2023
Serial no. 13
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 217 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Chanchal** Police Station Case No. **1342** of **2022** dated **11.11.2022** under Sections **406/376/323/324/308/506/34** of the Indian Penal Code, corresponding to G.R. No. 3114/2022.

-And-

In the matter of : **Mahasin Khan**

... .. Petitioner

Ms. Minoti Gomes,
Mr. Imdadul Hoque, Advocates
... .. *For the Petitioner*

Mr. Arijit Ganguly,
Mr. Sanjib Kr. Dan, Advocates
... ..*For the State*

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated. There was a fight amongst co-sharers of an immovable property. She refers to the contents of the first information report. She submits that the incident occurred on November 4, 2022 and that the first information report was lodged on November 11, 2022.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement of the victim recorded under Section 164 of the Criminal Procedure Code and the injury report of the victim.

The injury report of the victim does not speak of any sexual assault on the victim. The injury report suggests that the victim was assaulted. The injury suffered is simple in

nature. The injuries were more or less on the upper part of the body.

The statement of the victim recorded under Section 164 of the Criminal Procedure Code claims that the victim was raped by the petitioner. The claim of the victim as transpiring from the statement recorded under Section 164 of the Criminal Procedure Code is not corroborated at this stage by the medical evidence. There is an issue of disputes relating to sharing the money received on sale of an immovable property held in common.

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 further condition that the petitioner shall 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) 217 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

