

**18.01.2023**

Sl.40

Court No.29

(AD)

(Allowed)

**C.R.M. (A) 245 of 2023**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nakashipara** Police Station Case No. **942 of 2022** dated **04.12.2022** under Sections **498A/323/376 & 34** of the Indian Penal Code.

And

In the matter of: **Ejarul Sekh**

....petitioner.

Mr. Sumanta Das

Ms. Mallika Manna

...for the petitioner.

Mr. Sudip Kumar

...for the State.

Petitioner prays for anticipatory bail.

The victim in her statement recorded under Section 164 of the Code of Criminal Procedure claims that she was raped.

While she was examined by the doctor, she did not make a claim of rape.

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 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) 245 of 2023** is, thus, disposed of.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**