

13.03.2023

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Ct. No. 29
CHC
Allowed

C.R.M.(A) 411 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kotwali** Police Station Case No.**1169 of 2022** dated **15.11.2022** under Sections **376/417/506/34** of the Indian Penal Code, 1860.

And

In the matter of: Shukdeb Chatterjee

..... petitioner

Sm Samim Ullah

....for the petitioner

Mr. Sudip Kumar

....for the State

Mr. Ali Ahsan Alamgir

...for the de facto complainant

De facto complainant is represented.

Petitioner is a defence personnel.

The de facto complainant recorded her statement under Section 164 of the Criminal Procedure Code subsequent to the order dated February 1, 2023 where, she claims that, she lodged First Information Report on a misunderstanding.

Considering the subsequent statement of the de facto complainant recorded under Section 164 of the Criminal Procedure Code and the materials in the case diary and considering the fact that the petitioner is a defence personnel,

we deem it appropriate 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 as and when called for by the Investigating Officer 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

