

02.02.2023
Serial no. 06
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 412 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Sagardighi** Police Station Case No. **492** of **2022** dated **21.10.2022** under Sections **341/376/511/323/354/34** of the Indian Penal Code.

-And-

In the matter of : **Kutubuddin Sk. @ Kutub Sk.**
... .. Petitioner

Mr. Jisan Iqbal Hossain,
Mr. Karnel Mondal, Advocates
... .. *For the Petitioner*

Mr. Abhra Mukherjee,
Mr. Dipankar Mahata, 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 materials in the case diary including the statement of the victim recorded under Section 164 of the Criminal Procedure Code.

Apparently, there was an assault on the de facto complainant. The injury is not of grievous hurt.

The de facto complainant claims in the statement recorded under Section 164 of the Criminal Procedure Code that there was an attempt to rape her.

There is a delay in the lodgment of the first information report of about a month.

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) 412 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)