

07.02.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 535 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Krishnaganj** Police Station Case No. **294** of **2022** dated **11.08.2022** under Sections 376/506 of the Indian Penal Code.
And

In Re : Nihar Ghosh

..... petitioner

Mr. Sumanta Das

Ms. Mallika Manna

....for the petitioner

Mr. Binoy Panda

Mr. Subham Bhakat

....for the State

The police complaint was lodged two and half months after the incident.

The victim initially went for medical examination and did not, apparently, participate in further medical investigation as directed by the Medical Officer.

The victim recorded her statement under Section 164 of the Code of Criminal Procedure (Cr.P.C.), where she claims that offensive video photography was taken.

In such circumstances, the petitioner will surrender his mobile phone to the Investigating Officer forthwith.

Considering the materials in the case diary and the 164 Cr.P.C. statement of the victim and the delay in the lodgment of

the First Information Report, 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/-, 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 meet the Investigating Officer once a week 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)