

08.02.2023

Sl.12

Court No.29

(AD)

(Allowed)

C.R.M. (A) 555 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.**81 of 2023** dated **19.01.2023** under Sections **448/376/506** of the Indian Penal Code (Corresponding to G.R. No.179/2023).

And

In the matter of: **Sahabuddin @ Sahabuddin Alam**

....petitioner.

Ms. Minoti Gomes

Ms. Sabnam Laskar

...for the petitioner.

Mr. Avishek Sinha

...for the State.

Petitioner prays for anticipatory bail.

The petitioner and his family were implicated in a previous police complaint by the de facto complainant.

Immediately thereafter the petitioner obtained bail therein, the present police complaint was lodged six days thereafter.

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

The medical examination report at this stage apparently is not conclusive.

The case diary does not contain any material to corroborate the claim of the victim at this stage.

The police filed charge sheet.

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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 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.

The prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 555 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)