

10.02.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 607 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Mothabari** Police Station Case No. **473** of **2022** dated **20.12.2022** under Sections 448/376/506 of the Indian Penal Code.

And

In Re : Bidhan Mandal

..... petitioner

Mr. Robiul Islam

Mr. Raju Mondal

....for the petitioner

Mr. Imran Ali

Ms. Debjani Sahu

....for the State

The victim complains of rape in her statement recorded under Section 164 of the Code of Criminal Procedure.

The victim was medically examined. The medical examination report states that, there was no mark of violence and no external injury noted. Sexual assault to be confirmed after examination of the Gynecologist.

Requirement of custodial interrogation of the petitioner in the facts and circumstances of the present case is not felt.

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/-, 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.)