

03.03.2023
Serial no. 05
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 931 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Domkal** Police Station Case No. **15** of **2023** dated **07.01.2023** under Sections **448/376/506** of the Indian Penal Code.

-And-

In the matter of : **Fajikul Sk**

... .. Petitioner

Mr. Golam Nure Imrohi, Advocate
... .. *For the Petitioner*

Mr. Saibal Bapuli, Id. APP
Mr. Soumik Ganguli, Advocates
... ..*For the State*

Petitioner claims that he was falsely implicated due to property disputes. Police complaint was lodged after 38 days of the alleged incident.

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 and her medical examination report.

There is an element of delay in the lodgment of the first information report.

The materials in the case diary do not tend to corroborate the statement made by the victim in the statement recorded under Section 164 of the Criminal Procedure Code.

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 week 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) 931 of 2023 is **disposed of**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)