

17.03.2023
Serial no. 19
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 1113 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. **814** of **2022** dated **23.07.2022** under Sections **341/323/325/308/376/511/379/34** of the IPC. Charge sheet submitted under Sections 341/323/325/376/511/34 of the IPC.

-And-

In the matter of : **Israfil @ Israful**

... .. Petitioner

Ms. Minoti Gomes,
Ms. Shanta Sarkar,
Mr. Asfak Ahammed, Advocates
... .. *For the Petitioner*

Mr. Prasun Kr. Datta,
Mr. Nirupam Dhali, Advocates
... ..*For the State*

Apparently an incident of assault took place.

The de facto complainant was injured in the incident. She claims in her statement recorded under Section 164 of the Criminal Procedure Code that, she was touched improperly.

The issue as to whether, the de facto complainant was dealt with improperly, sexually or not, is an issue which is required to be decided at the trial.

Apparently, the injuries suffered are not grievous in nature.

Police filed charge sheet.

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 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) 1113 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)