

46 28.03.2023
(AD) Court No.29
(Allowed)

C.R.M. (A) 1281 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Amherst Street Women** P.S. Case No.**07 of 2022** dated **27/09/2022** under Sections **376/354/342/323/344** of the Indian Penal Code, 1860.

And

In the matter of: **Sr. Samiran Dutta & Ors.**

....petitioners.

Mr. Megnad Dutta
Mr. Anam Zafar
Ms. Susmita Nath
Mr. Sital Chakraborty

...for the petitioners.

Mr. Bidyut Kumar Roy
Ms. Sima Biswas

...for the State.

Petitioners pray for anticipatory bail.

There is a writ petition pending before the High Court at the behest of the de facto complainant.

The de facto complainant recorded her statement under Section 164 of the Code of Criminal Procedure where she claims that, the lady co-accuseds were guarding the room from outside and that, she was touched on private parts by the male co-accused. She identifies the first petitioner as the person who recorded the incident in the video.

The medical examination report of the de facto complainant states that, the de facto complainant refused medical examination.

In such circumstances, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the

petitioners shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 further condition that the petitioner no.1 will report before the Investigating Officer once a month till the conclusion of the investigation and petitioner nos.2, 3 and 4 will cooperate with the investigation till the conclusion of the investigation and on condition that the petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

Petitioner no.1 will make over his mobile phone that he uses to the Investigating Officer forthwith.

The prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 1281 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)