

29.03.2023

34
Ct. No. 29
CHC
Allowed

C.R.M.(A) 1309 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. **94** of **2023** dated **13.02.2023** under Sections **448/376/506/323/354/34** of the Indian Penal Code.

And

In the matter of : Khejmat Mondal @ Khejmat Seikh
..... petitioner

Ms. Minoti Gomes
....for the petitioner

Mr. Narayan Prasad Agarwala,
Mr. Pratick Bose
....for the State

Apparently, an incident of assault took place on a particular date. Subsequently, the present police complaint was lodged complaining of rape.

The victim recorded statement under Section 164 of the Criminal Procedure Code and underwent medical examination. The opinion of the doctor is inconclusive. In fact, at one place, he suggests that victim did not give any history of assault.

In view of the materials available in the case diary as noted above, 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 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 in a fortnight till the conclusion of 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.)