

30.03.2023
Serial no. 28
[Dd]
(Anticipatory Bail)
(Allowed)

CRM (A) 1335 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Belda** Police Station Case No. **69** of **2023** dated **04.02.2023** under Sections **447/323/325/354B/376/307/379/427/506/34** of the IPC.

-And-

In the matter of : **Sukumar Giri & Ors.**
... .. **Petitioners**

Mr. Soumyajit Das Mahapatra,
Mr. Supriyo Das,
Ms. Madhurai Sinha, Advocates
... .. *For the Petitioners*

Mr. Anwar Hossain,
Ms. Ratna Ghosh, Advocates
... .. *For the State*

There is a pending civil suit between the private parties in which there subsists an order injunction. There is a previous police complaint of assault where the accuseds are on anticipatory bail.

There are two statements recorded under Section 164 of the Criminal Procedure Code, one of the victim and the other by her husband.

Both the statements recorded under Section 164 of the Criminal Procedure Code speak of assault and rape.

The victim was medically examined. The medical examination report of the victim tends to corroborate an incident of assault without tending to corroborate the claim of rape.

There are no statements recorded under Section 161 of the Criminal Procedure Code of neighbours claiming to witness

the incident. There are no post occurrence witness on record at this stage.

In such circumstances, we are inclined to 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 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 nos.1, 2, 3, 6, 7, 8 shall report before the Investigating Officer once in a month till the conclusion of the investigation and petitioner nos. 4 and 5 shall cooperate with the investigation till its completion and on further 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.

Prayer for anticipatory bail of the petitioners is **allowed**.

CRM (A) 1335 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)