

06.04.2023

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Ct. No. 29

CHC

Allowed

C.R.M.(A) 1467 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hanskhali** Police Station Case No. **121** of **2023** dated **05.02.2023** under Sections **307/354/354B/376/511** of the Indian Penal Code, 1860.

And

In the matter of : Nidhir Mondal

..... petitioner

Ms. Sananda Bhattacharyya

....for the petitioner

Mr. Binoy Panda,

Mr. Subham Bhakat

....for the State

There is a counter police complaint in respect of an incident of assault.

In the present police case, the victim suffered injury. She recorded her statement under Section 164 of the Criminal Procedure Code where, she claims that she was assaulted by a sharp cutting weapon and there was an attempt to outrage her modesty as well as rape.

The claim of outraging modesty and attempt to rape are not there in the injury report.

Doctor noted that there was complaint of physical assault only.

The injury was not classified as grievous hurt.

Apparently, there was an incident of assault in respect of which there was counter police complaint.

In such circumstances, 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.)

