

10.04.2023

Serial no. 32

[Dd]

(Anticipatory Bail)

(Allowed)

CRM (A) 1499 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with G.R. Case no. 1675 of 2022 arising out of **Pukhuria** Police Station Case No. **247** of **2022** dated **05.07.2022** under Sections **498A/376/506** of the IPC.

-And-

In the matter of : **Matibur Rahaman & Ors.**

... .. **Petitioners**

Mr. Mrityunjoy Chatterjee,

Mr. Ravi Ranjan Kumar,

Mr. Tushar Hazra, Advocates

... .. *For the Petitioners*

Mr. Palash Chandra Majhi , Advocate

... ..*For the State*

In her statement recorded under Section 164 of the Criminal Procedure Code, the victim claims that she was initially thrown out of her matrimonial home. Thereafter, on the pretext of settlement, she was invited back to her matrimonial home where, she was assaulted and raped.

The materials in the case diary suggest that the petitioner refused to undergo medical examination.

In such circumstances, the incident of assault not being corroborated and since the medical suggests that she was menstruating and, therefore, Doctor could not examined her on the aspect of rape, 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 petitioners shall report before the Investigating Officer once in a fortnight till the conclusion of the investigation 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) 1499 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)