

17.04.2023

Serial no. 14

[Dd]

(Anticipatory Bail)

(Allowed)

CRM (A) 1567 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Nadakhali** Police Station Case No. **466** of **2022** dated **17.12.2022** under Sections **341/323/354/447/448/376/34** of the IPC.

-And-

In the matter of : **Sk. Ismail & Ors.**

... .. Petitioners

Ms. Pampa Dey (Dhabal), Advocate

... .. For the Petitioners

Mr. Shiladitya Banerjee, Advocate

... ..For the State

Apparently, an incident of assault took place. There is an allegation of rape also.

The victim did not record a statement under Section 164 of the Criminal Procedure Code. The victim did not undergo medical examination.

In such circumstances, considering the gravity of the offence and the involvement of the petitioners in the incident, 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 month 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) 1567 of 2023 is **disposed of**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)