

28.04.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1817 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Samsherganj** Police Station Case No. **386** of **2022** dated **27.10.2022** under Sections 376(I)/506/34 of the Indian Penal Code, 1860.

And

In Re : Safikul Sk @ Sofikul Sk.

..... petitioner

Mr. Tapodip Gupta

....for the petitioner

Mr. Binoy Panda

Mr. Subham Bhakat

....for the State

Police filed charge-sheet.

There is a previous police complaint against the husband of the victim in the present police case by the daughter of the present petitioner.

Subsequent to the recording of the statement under Section 164 of the Code of Criminal Procedure, the victim in the present police case refused to undergo any medical examination.

Possibility of false implication cannot be overlooked.

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/-, 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 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.)