

01.05.2023

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Ct. No. 29

CHC

Allowed

C.R.M.(A) 1830 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Domkal** Police Station Case No. **252** of **2023** dated **13.04.2023** under Sections **448/376(1)/323** of the Indian Penal Code.

And

In the matter of : Monirul Sk

..... petitioner

Ms. Minoti Gomes,

Ms. Chandrima Debnath

....for the petitioner

Mr. Saibal Bapuli, Ld. A.P.P.,

Mr. Soumik Ganguli

....for the State

Apparently, an incident of assault took place, which involved the petitioner and the de facto complainant.

The de facto complainant claimed in her statement recorded under Section 164 of the Criminal Procedure Code that she was raped by the petitioner.

The medical evidence and the other statements made available in the case diary does not corroborate the claim of rape as made by the petitioner. The incident of assault stands corroborated.

The de facto complainant states that the incident occurred at 11 at the night. The place of occurrence as appearing from the photographs in the case diary suggest that

it was in a densely populated area. No other materials in the case diary suggest that any neighbours became aware of the incident of rape.

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 report before 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.)

