

11.05.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1940 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Murutia** Police Station Case No. **110** of **2023** dated **21.04.2023** under Sections 448/376/511 of the Indian Penal Code, 1860.

And

In Re : Shib Das

..... petitioner

Mr. Asraf Mondal

....for the petitioner

Md. Anwar Hossain

Ms. Sreyashee Biswas

....for the State

The statement of the victim recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.) speaks of an attempt being made by the petitioner to rape the victim.

Two 161 Cr.P.C. statements of neighbours suggest that, the petitioner entered into the house of the victim and assaulted the victim and also abused her. Such independent persons identify the petitioner as a person who enters into disputes with various people.

Considering the materials in the case diary, the gravity of the offence and the statement of the two independent witnesses, 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 further condition that the petitioner shall meet the Investigating Officer once a week till the conclusion of the 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.

Petitioner will, however, not enter into the jurisdiction of local police station till the conclusion of the investigation. He will inform the place of his stay to the concerned Investigation Officer as also the Jurisdictional Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)