

17.05.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 2029 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Arambagh** Police Station Case No. **43** of **2023** dated **10.02.2023** under Sections 498A/406/376/354/323/325 of the Indian Penal Code.

And

In Re : Sk. Abdul Samad @ Sekh Abdul Samad

..... petitioner

Mr. Suman Chakraborty

....for the petitioner

Mr. S. G. Mukherjee, learned Public Prosecutor

Mr. Aniket Mitra

Ms. Jonaki Saha

....for the State

Some of the co-accuseds were enlarged on anticipatory bail by the Jurisdictional Court.

As against the petitioner, there is a statement recorded by the de-facto complainant under Section 164 of the Code of Criminal procedure where, she claims that, the petitioner raped her about a month prior to the date of the recording of her statement.

There is an issue of delay in the lodgment of the First Information Report.

The claim made by the de-facto complainant as against the petitioner, as this stage, appears to remain uncorroborated by materials in the case diary.

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 further condition that the petitioner shall meet the Investigating Officer once a month 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)