

18.05.2023

Sl.14
Court No.29
(AD)
(Allowed)

C.R.M. (A) 2051 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Harishchandrapur** Police Station Case No.**272 of 2023** dated **01.04.2023** under Sections **341/509/376/511/324/308/34** of the Indian Penal Code, 1860.

And

In the matter of: **Abdul @ Abedul @ Bheda & Anr.**

....petitioners.

Mr. Soupal Chatterjee

Ms. Sucheta Banerjee

... for the petitioners.

Mr. Tanmoy Kumar Ghosh, Ld. Sr. Government Advocate

Mr. Arindam Sen

...for the State.

Petitioners pray for anticipatory bail.

An incident of assault took place.

There are two police complaints with regard thereto.

Both were lodged through petitions under Section 156(3) of the Code of Criminal Procedure. The first in point of time is at the behest of the petitioners before us. There, a description of an assault is given. Injuries were suffered by the petitioners. One of the injured was hospitalized for 24 days. Thereafter, the present police complaint was lodged, albeit, a proceeding under Section 156(3) of the Code of Criminal Procedure after about 29 days. There, the allegations are of attempt to rape.

Many persons were involved in the incident of assault. Therefore, whether the allegation of attempt to rape can be sustained is debatable.

In such circumstances, we 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners will report before the Investigating Officer once a month till the conclusion of the investigation and on 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.

Accordingly, the prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 2051 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)