

CRM (A) 5981 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Chanchal Police Station Case No. 671 of 2022 dated 25.06.2022 under Sections 323/341/448/376/511/34 of the Indian Penal Code.

-And-

In the matter of : **Kartik Nunia**

... .. Petitioner

Mr. Soupal Chatterjee, Advocate

Ms. Sucheta Banerjee, Advocate

... .. For the Petitioner

Mr. Sudip Kumar, Advocate

... ..For the State

Petitioner seeks anticipatory bail.

Report as called for by the order dated December 23, 2022 filed in Court be taken on record.

Police filed charge-sheet inter alia under Section 376/511 of the Indian Penal Code, 1860.

The victim in her statement recorded under Section 164 of the Code of Criminal Procedure claimed that she was raped.

The report called from the Superintendent of Police states that, contemporaneously the victim claimed that there was an attempt to rape her. The neighbours claimed so.

The minor child of the victim stated about physical assault. During medical examination, the victim also claimed of attempt to rape. The medical examination is inconclusive with regard to rape.

In such circumstances, we are inclined to 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 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.

Prayer for anticipatory bail of the petitioner is allowed.

CRM (A) 5981 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)