

19.02.2024
DL-104
Court No.29
(AD)
(Allowed)

C.R.M. (A) 122 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bhagwangola** Police Station Case No.**482 of 2023** dated **06.10.2023** under Section **376(D)** of the Indian Penal Code, 1860.(G.R. Case No.3338 of 2023).

And

In the matter of: **Nur Alam Islam @ Nur Alam Sk & Ors.**
....petitioners.

Mr. Asim Kumar Chakraborti
...for the petitioners.

Mr. Mainak Gupta ... for the State.

Affidavit of service filed in Court be taken on record.

None appears for the de facto complainant.

There are variation in the narration of events between the police compliant and the statement recorded under Section 161 of the Code of Criminal Procedure by the de facto complainant.

Learned Advocate appearing for the State submits that the de facto complainant is not cooperating with the investigation.

Medical examination report does not corroborate the claims made by the de facto complainant in the statement of complaint.

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

fortnight 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) 122 of 2024 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)