

19.02.2024
Item No.107
Ct. No. 29
CHC
Allowed

C.R.M.(A) 291 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tehatta** Police Station Case No. **973** of **2023** dated **10.12.2023** under Sections **448/376/511/307/379/34** of the Indian Penal Code.
And

In the matter of : Swapan Ghosh

..... petitioner

Mr. Abdul Aziz Mondal
....for the petitioner

Mr. Sujan Chatterjee
....for the State

Petitioner prays for anticipatory bail.

De facto complainant refused to undergo medical examination.

De facto complainant in her statement recorded under Section 164 of the Criminal Procedure Code speaks of physical assault on her and attempt to rape on her by the petitioner.

The claim of assault and the attempt to rape on her is not corroborated by the materials presently available on record.

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/- (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 will report before the Investigating Officer once in a month till the conclusion of 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.

CRM(A) 291 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)