

07.02.2024

DL.4

Court No.29

(AD)

(Allowed)

C.R.M. (A) 385 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Sabang** Police Station Case No.**257 of 2023** dated **11.09.2023** under Sections **448/323/325/307/354C/376/506/34** of the Indian Penal Code, 1860 .(G.R. Case No.2722 of 2023).

And

In the matter of: **Sk. Majarul @ Sk. Majharul Islam**

....petitioner.

Mr. Navanil De

Ms. Monami Mukherjee

...for the petitioner.

Mr. Abhra Mukherjee

Mr. Bibaswan Bhattacharjee

... for the State.

Injuries suffered in an incident of assault were not classified as grievous hurt.

Victim, however, recorded her statement under Section 164 of the Code of Criminal Procedure complaining of rape.

Apparently, the incident of assault occurred in presence of number of persons.

Victim refused to undergo medical examination.

In such circumstances, we deem it appropriate 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will report before the Investigating Officer once a fortnight 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.

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

C.R.M. (A) 385 of 2024 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)