

22.02.2024

Serial no. 09

Anticipatory Bail

[Allowed]

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CRM (A) 578 of 2024

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Kharagpur Local** Police Station Case No. **123** of **2023** dated **February 03, 2023** under Sections **448/341/323/354/376/511/506/34** of the Indian Penal Code, 1860.*

-And-

In the matter of : **Raghunath Chatterjee Ors.**

... .. Petitioners

Mr. Navanil De,

Ms. Monami Mukherjee, Advocates

... .. For the Petitioners

Mr. Dipankar Paramanick, Advocate

... ..For the State

Affidavit-of-service filed in Court be taken on record.
Despite service none appears for the victim.

There is a previous police complaint, *inter alia*, under Section 498A of the Indian Penal Code, 1860 as against the petitioners before us. They were granted bail in such police complaint.

The police complaint relates to an incident of assault and a claim of attempt to rape.

Victim recorded a statement under Section 164 of the Criminal Procedure Code.

Police filed charge sheet.

Nature of injury suffered was not classified as grievous hurt.

Considering the materials in the case diary, do not find need for the petitioners being placed in custody at this stage.

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 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 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.

Prayer for anticipatory bail of the petitioners is **allowed**.

CRM (A) 578 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)