

27.02.2024
04
Ct. No. 29
S.D.
Allowed

C.R.M.(A) 625 of 2024

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nakashipara** Police Station Case No. **988 of 2023** dated **26.11.2023** under Sections **376/511** of the Indian Penal Code.
And

In Re : **Amrita Kundu @ Amrita Biswas**

..... petitioner

Ms. Minoti Gomes

Mr. Amanul Islam

Mr. Sourav Mukherjee

...for the petitioner

Ms. Subhasree Patel

...for the State

Mr. Kunal Ganguly

Ms. Ayesha Sultana

..for the defacto-complainant

Petitioner, State and the defacto-complainant are represented.

Defacto-complainant recorded a statement under Section 164 of the Cr.P.C., where she claims that the petitioner attempted to rape her. She screamed when the petitioner entered her room whereupon the petitioner left the place.

Defacto-complainant refused to undergo medical examination.

Case diary does not contain any statement of the post occurrence eyewitness claiming that such eyewitness saw the petitioner to leave the place of occurrence.

Time of occurrence is claimed to be 8-00 p.m.

Considering such materials in the case diary, 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/-, 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. The petitioner will report before the Investigating Officer once a fortnight till the conclusion of the investigation. 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.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)