

07.03.2024

Item No.30

Ct. No. 29

CHC

Allowed

C.R.M.(A) 631 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Thanarpara** Police Station Case No. **04 of 2024** dated **06.01.2024** under Sections **376D/447** of the Indian Penal Code.

And

In the matter of : Saidul Sk & ors.

..... petitioners

Mr. Asraf Mandal

....for the petitioners

Mr. Koushik Kundu

....for the State

Petitioners pray for anticipatory bail.

Victim recorded a statement under Section 164 of the Criminal Procedure Code. She refused to undergo medical examination.

There is an incident of assault in respect of which a police complaint was lodged on behalf of the petitioners.

Possibility of false implication exists.

Materials in the Case Diary do not suggest requirement of custodial interrogation of the petitioners.

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 will report before the Investigating Officer once in a week till the conclusion of 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.

This application for anticipatory bail is, thus, allowed.

CRM(A) 631 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)