

27.02.2024
Item No.23
Ct. No. 29
CHC
Allowed

C.R.M.(A) 671 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **English Bazar Women** Police Station Case No. **71/2023** dated **10/04/2023** under Sections **325/34** of the Indian Penal Code read with Sections **8/4/18** of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of : Masidur Sk @ Masidur Sekh @ Masidur Rahaman
..... petitioner

Mr. Kalidas Saha
....for the petitioner

Mr. Sandip Chakraborty
....for the State

Petitioner prays for anticipatory bail.

Police filed charge-sheet.

There is a previous police complaint.

Victim recorded her statement under Section 164 of the Criminal Procedure Code where she speaks of an attempt of sexual assault on her.

She however, refused to undergo medical examination.

In her statement recorded under Section 164 of the Criminal Procedure Code victim claims that neighbours intervened upon her shouting for help.

Case Diary does not contain any statement of any person coming to rescue the victim.

Injury report of the mother of the victim suggests that, the mother of the victim suffered simple hurt.

Apparently, there was an incident of assault.

As to whether there is an attempt of sexual assault may be decided at the trial.

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 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) 671 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)