

05.03.2024
DL-5
Court No.29
(AD)
(Allowed)

C.R.M. (A) 743 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.982 of 2023** dated **15.12.2023** under Sections **498A/323/307/354A/354B/376D/506/34** of the Indian Penal Code, 1860.(G.R. Case No.3515 of 2023).

And

In the matter of: **Tarak Das & Ors.**

....petitioners.

Mr. Navanil De
Mr. Srinjan Ghosh

...for the petitioners.

Mr. Saibal Bapuli, Ld. APP
Mr. Subrato Roy

... for the State.

Affidavit of service filed in Court be taken on record.

None appears for the victim.

Police complaint was lodged 45 days after the date of the incident.

There is a statement recorded under Section 164 of the Code of Criminal Procedure where the victim claims of gang rape and the neighbours rescuing her on her child crying out.

Case diary contains statements of neighbours who claimed that the petitioner no.1 as the husband of the victim used to assault the victim after drinking. With regard to the incident stated in the 164 statement of the victim, such neighbours claimed that they heard about a commotion from local people.

Apparently, the case diary does not contain any statement of any person whom the victim claims to rescue her.

Case diary also contains a document where, the victim refused to undergo medical examination.

Injury report of the victim shows that the victim suffered simple hurt.

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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners will report before the Investigating Officer once a month till the conclusion of the 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.

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

C.R.M. (A) 743 of 2024 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)