

05.03.2024

DL-11

Court No.29

(AD)

(Allowed)

C.R.M. (A) 758 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Raiganj** Police Station Case No.**1232 of 2023** dated **23.11.2023** under Sections **448/376/511/506** of the Indian Penal Code, 1860.(G.R. Case No.2652 of 2023).

And

In the matter of: **Badiud Jaman**

....petitioner.

Mr. Kunal Ganguly

...for the petitioner.

Ms. Amita Gaur

... for the State.

Mr. Kaushik Choudhury

Ms. Busra Khatun

... for the de facto complainant.

There is a counter police complaint in which, the de facto complainant was taken into custody for about 24 days.

In the present police complaint, the de facto complainant recorded a statement under Section 164 of the Code of Criminal Procedure claiming that there was an attempt to rape her.

There is an injury report which suggests that the injured suffered simple injury.

State and the de facto complainant are represented.

Possibility of the petitioner herein being falsely implicated in a claim of attempt to rape exists.

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 subject

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

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

C.R.M. (A) 758 of 2024 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)