

19.03.2024
DL-48
Court No.29
(AD)
(Allowed)

C.R.M. (A) 895 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chanchal** Police Station Case No.**86 of 2024** dated **29.01.2024** under Sections **341/376** of the Indian Penal Code, 1860.(GR No.214 of 2024).

And

In the matter of: **Arjaul**

....petitioner.

Mr. Tapan Dutta Gupta
Mr. Parvej Anam

...for the petitioner.

Mr. Shekhar Barman

... for the State.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that there is a delay of ten days in filing the police complaint.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary.

Victim recorded her statement under Section 164 of the Code of Criminal Procedure where she claims that she was raped by the petitioner.

Victim underwent a medical examination ten days after the date of the incident.

Husband of the victim recorded a statement under Section 161 of the Code of Criminal Procedure where, he says that he was sleeping when the victim put a torchlight on his face to see whether he was sleeping or not. Thereafter the victim left and was found to be indulging in a sexual act with the petitioner before us. Village mediation took place where the victim gave talak to him and expressed a desire to marry the petitioner.

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/- (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) 895 of 2024 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)