

13.03.2024
Item No.17
Ct. No. 29
CHC
Allowed

C.R.M.(A) 891 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Murshidabad** Police Station Case No. **870** of **2023** dated **19.12.2023** under Sections **342/376/506** of the Indian Penal Code.

And

In the matter of : Ashis Paharia

..... petitioner

Mr. Mrityunjoy Chatterjee,
Mr. Debapriya Majumder
....for the petitioner

Mr. Ranabir Roychowdhury,
Ms. Sujata Das
....for the State

Affidavit-of-service filed in Court be taken on record.

None appears for the de facto complainant.

De facto complainant recorded her statement under Section 164 of the Criminal Procedure Code claiming that the petitioner raped her.

De facto complainant refused to undergo medical examination.

Apparently, the Case Diary does not contain any material to corroborate the statement of the de facto complainant as transpiring from the statement of the de facto complainant.

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 further condition that the petitioner will report before the Investigating Officer once in a fortnight till the conclusion of 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.

This application for anticipatory bail is, thus, allowed.

CRM(A) 891 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)