

09.05.2024
Item No.16
Ct. No. 29
CHC
Allowed

C.R.M.(A) 1632 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Manikchak** Police Station Case No. **194/24** dated **07.03.2024** under Sections **417/376/506/323/354/120B** of the Indian Penal Code, pending in the Court of the Learned Chief Judicial Magistrate at Malda.

And

In the matter of : Md. Rahim @ Rahim & ors.

..... petitioners

Mr. Sourat Nandy
....for the petitioners

Mr. Binoy Kumar Panda,
Ms. Madhumita Basak
....for the State

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

None appears for the de facto complainant.

Apparently, the de facto complainant as an adult entered into a relationship with the principal accused who is minor.

Petitioners before us are the relatives of the minor who is the principal accused.

De facto complainant underwent medical examination where, the Doctor examining her, did not find any sign of application of force. However, possibility of sexual violence was not ruled out.

The de facto complainant recorded her statement under Section 164 of the Criminal Procedure Code where she narrates an incident of assault on her using crowbar. De facto complainant in her statement recorded under Section 164 of the Criminal Procedure Code as also before the Doctor examining her, acknowledges that there was a relationship between her and the minor who is the principal accused and that, there was a promise of marriage.

The statement of assault on her, is not corroborated by the medical examination report.

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 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 no.1, namely, Md. Rahim @ Rahim and petitioner no.3, namely, Md. Sahim will report before the Investigating Officer once in a week till the conclusion of investigation and petitioner no.2, namely, Chantara Bibi will cooperate with 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.

This application for anticipatory bail is, thus, allowed.

CRM(A) 1632 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)