

02.01.2024

Serial no. 62

Anticipatory Bail

[Allowed]

CRM (A) 4287 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Sagardighi** Police Station Case No. **442** of **2023** dated **11.09.2023** under Sections **448,509,506/34** of the Indian Penal Code, 1860.*

(G.R. Case No. 666 dated 11.09.2023)

-And-

In the matter of : **Baitul Sk. & Ors.**

... .. Petitioners

Mr. Ibrahim Shaikh,

Mr. Benazir Shaikh, Advocates

... .. For the Petitioners

Mr. Abhra Mukherjee,

Mr. Dipankar Mahata, Advocates

... ..For the State

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

Petition is taken up for consideration subsequent to order dated October 16, 2023.

By such order, interim anticipatory bail was granted by the co-ordinate Bench.

It is submitted at the Bar that the co-ordinate Bench did not consider the materials in the case diary and passed such order in view of the ensuing Puja vacation.

We perused the materials in the case diary.

The victim claims herself to be a minor and recorded a statement under Section 164 of the Criminal Procedure Code where she states that, she and the principal accused became facebook friends. She claimed that she was abducted and taken to the place of the principal accused where, an attempt to rape her was made. She shouted for assistance.

The victim was medically examined. The medical examination does not speak of any mark of assault on her body, let alone on the private parts.

There is no statement in the case diary of any independent person corroborating the shouting for help made by the victim.

In such circumstances, we confirm the interim order granted on October 16, 2023.

Consequently, 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 nos. 1 and 2 shall report before the Investigating Officer once in a month till the conclusion of the investigation and petitioner no. 3 shall cooperate with the investigation till its completion and on further 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.

Prayer for anticipatory bail of the petitioners is **allowed**.

CRM (A) 4287 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

