

C.R.M. (A) 4328 of 2023

02.01.2024
Sl.81
Court No.29
(AD)
(Allowed)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Matia** Police Station Case No.**286 of 2023** dated **28.06.2023** under Sections **498A/323/325/308/376/511/406/34** of the Indian Penal Code, 1860 and Section **4** of Dowry Prohibition Act, corresponding to G.R. No.2641/2023.

And

In the matter of: **Amal Das**

....petitioner.

Mr. Partha Pratim Das
Mr. Monajit Chakraborti

... for the petitioner.

Mr. Debasish Roy, Ld. PP
Mr. Aniket Mitra
Ms. Jonaki Saha

...for the State.

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 16, 2023.

By such order, the Coordinate Bench granted interim anticipatory bail to the petitioner.

It is submitted at the bar that such order was passed without consulting the materials in the case diary and in view of the ensuing puja vacation.

Learned Advocate appearing for the petitioner submits that all other in-laws of the de facto complainant were enlarged on anticipatory bail by the jurisdictional Court. Petitioner before us is the brother-in-law of the de facto complainant. He points out that there was a delay of at least three months in the lodgment of the First Information Report.

Learned Advocate appearing for the State draws the attention of the Court to the injury report of the de facto complainant as also to her statement recorded under Section 164 of the Code of Criminal Procedure.

The de facto complainant claims that there was an attempt to

rape her by the petitioner.

The de facto complainant was medically examined more than three months after the incident. There, bruises on her body were found. Aspect of delay of three months needs to be taken into consideration.

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

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 petitioners 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) 4328 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)