

04.01.2024

81
Ct. No. 29
S.D.
Allowed

C.R.M.(A) 4504 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bharatpur** Police Station Case No. **306** of **2023** dated **26.8.2023** under Sections 376/511/506 of the Indian Penal Code.

And

In Re : Nayan Karmakar @ Nayan Karmokar
..... petitioner

Mr. Navanil De
Ms. Monami Mukherjee
....for the petitioner

Mr. Partha Pratim Das
Ms. Eshita Dutta
....for the State

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

By such order dated October 16, 2023, the petitioner was enlarged on an interim anticipatory bail.

It is submitted at the bar that, the interim anticipatory bail was passed just prior to the ensuing puja vacation without considering the materials in the case diary.

We perused the materials in the case diary.

The defacto-complainant recorded her statement under Section 164 Cr.P.C. where she complains of attempt to rape her.

The defacto-complainant refused to undergo medical examination.

The defacto-complainant and the petitioner are adults and apparently are known to each other.

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/-, 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 meet the Investigating Officer once a fortnight 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

