

10.01.2024
Item No.211
Ct. No. 29
S.De

C.R.M.(A) 4865 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gangarampur** Police Station Case No. **413** of **2023** dated **24.08.2023** under Sections **448/376/511/506/34** of the Indian Penal Code, 1860.

And

In the matter of : Narayan @ Nannu Sutradhar

..... petitioner

Mr. Busra Khatoon,

....for the petitioner

Md. Rafiqul Islam,

Mr. Shashanka Shekhar Saha,

....for the State

Petition is taken up for consideration subsequent to the order dated October 18, 2023.

By such order, 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.

We perused the materials in the case diary.

The de-facto complainant recorded her statement under Section 164 of the Code of Criminal Procedure where she claims that, the petitioner tried to do rape her when her husband left for toilet. Petitioner, husband and herself were discussing matters. When the husband left for toilet the incident occurred. She also stated that the petitioner assaulted her husband.

Case diary does not contain any material of injury on the husband.

Assault on the husband at least, on medical papers remains uncorroborated. The incident occurred during noon.

Apparently, an incident of assault took place. The de-facto complainant suffered an injury.

As to whether, there was an attempt to rape as claimed by the de-facto complainant can be decided at the trial.

In such circumstances, we confirm the interim order dated October 18, 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 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 petitioner shall meet the Investigating Officer once in a month 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) 4865 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

