

**24.01.2024**

370  
Ct. No. 29  
**S.D.**  
**Allowed**

**C.R.M.(A) 5075 of 2024**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Murutia** Police Station Case No. **277 of 2023** dated **23.09.2023** under Sections 448/506/376/511/307/34 of the Indian penal Code.

And

In Re: Bablu Sk.

..... petitioner

Mr. Asraf Mondal

....for the petitioner

Ms. Faria Hossain

Mr. Anand Keshari

...for the State

Affidavit of service filed in Court be taken on record.

None appears for the victim.

There is a delay of 40 days in the lodgement of the police complaint.

Moreover, there is a counter police complaint.

Defacto-complainant in a statement recorded under Section 164 of the Cr.P.C. speaks of an incident of assault where she claimed that an attempt to rape her was made. The claim of attempt to rape is not corroborated at this stage by the materials on record.

In such circumstances, we grant anticipatory bail to the petitioner.

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. The petitioner will report before the Investigating Officer once a month till the conclusion of the investigation. 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.)**