

13.02.2024
DL-106
Court No.29
(AD)
(Allowed)

C.R.M. (A) 5165 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Berhampore** Police Station Case No.**718 of 2023** dated **02.06.2023** under Sections **376/506** of the Indian Penal Code, 1860 .(G.R. Case No.2450 of 2023).

And

In the matter of: **Jinarul Sk @ Jinarul Hoque**

....petitioner.

Mr. Arnab Chatterjee
Mr. Dhanasree Biswas
Ms. Paulami Bose

...for the petitioner.

Mr. Iqbal Kabir

... for the State.

Despite the de facto complainant being informed by the police as to the pendency of the present application, none appears for the de facto complainant.

Statement of the victim recorded under Section 164 of the Code of Criminal Procedure, at this stage, apparently remains uncorroborated.

The issue with regard to rape may be decided at the trial.

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/- (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 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 petitioner 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) 5165 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)