

25.01.2024
Item No.424
Ct. No. 29
PG/KS
Allowed

C.R.M.(A) 5139 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Balurghat** Woman Police Station Case No.87 of **2023** dated **20.09.2023** under Sections **498A/ 376/ 511/ 307/ 34** of the Indian Penal Code.

And

In the matter of :**Mallika Roy & Anr.**

.....Petitioners.

Mr. Kaushik Chaudhury
Ms. Busra Khatun

....for the Petitioners.

Mr. Narayan Prasad Agarwalla
Mr. Pratick Bose

....for the State.

Police complaint is not directed against the husband.

The Statement of the de facto complainant recorded under Section 164 of the Code of Criminal Procedure suggests attempt to rape.

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

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) each, 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 no.2 will report before the Investigating Officer once in a month till the conclusion of the investigation and petitioner no.1 will cooperate with the investigation and on condition that the petitioner no.2 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.

C.R.M.(A) 5139 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)