

30.01.2024
SL No. 442
Ct No. 29
SB

C.R.M. (A) 5159 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Thanarpara P.S. Case No. 251 of 2023 dated 08.11.2023 under Section 376/511/509 of the Indian Penal Code.

And

In the matter of: Sariful Mandal

....Petitioner

Mr. Asraf Mondal,
Md. Bani Israil

...for the Petitioner

Mr. Debasish Roy, Ld. P.P.
Mr. Navanil De

...for the State

Affidavit of service filed be taken on record.

None appears for the victim despite service. She recorded a statement under Section 164 of the Cr.P.C. where she complains of an attempt to rape. Her version of the incident apparently, at this stage remains uncorroborated from the materials in the case diary available.

Victim refused to undergo any medical examination.

Under 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 shall 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 petitioner 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.)