

06.02.2024

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Ct. No. 29
S.D.
Allowed

C.R.M.(A) 5181 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Belgharia** Police Station Case No. **544 of 2023** dated **16.11.2023** under Sections **376/313** of the Indian penal Code.
And

In Re: Soham Chattopadhyay

..... petitioner

Mr. S. Chowdhury

Mr. Debasis Kar

....for the petitioner

Ms. Sonali Das

...for the State

Mr...(Name not supplied)

...for the defacto-complainant

Petitioner, defacto-complainant and the State are represented.

The defacto-complainant recorded a statement under Section 164 of the Cr.P.C., where she acknowledged that there was a relationship between her and the petitioner.

Both the petitioner and the defacto-complainant are adults.

Apparently, the relationship turned sour and thereafter the police case was lodged.

Medical examination report of the defacto-complainant does not show any sexual assault *per se*.

There is a medical document, which suggests that she suffered from bleeding from private part. The cause of such bleeding may be decided at the trial if so raised.

Since the petitioner and the defacto-complainant are adults, and considering the materials in the case diary, 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 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.)

