

02.02.2024

Serial no. 64

Anticipatory bail

[Allowed]

Dd

CRM (A) 5451 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **English Bazar** Police Station Case No. **874** of **2023** dated **04.06.2023** under Sections **363/365** of the Indian Penal Code, 1860.
(G.R. Case No. 3500/2023)*

-And-

*In the matter of : **Maimur Sekh***

*... .. **Petitioner***

Mr. Musharraf Alam Sk.

Mr. Sujoy Sarkar,

Ms. Susmita Ghorai, Advocates

... .. For the Petitioner

Mr. Narayan Prasad Agarwala,

Mr. Arup Sarkar, Advocates

... ..For the State

Petitioner before us is the father of the principal accused.

Victim recorded a statement under Section 164 of the Criminal Procedure. The content of such statement is at variance to the statement she made before the doctor examining her. Before the doctor, she stated that she went voluntarily with her boy friend.

Considering the materials in the case diary and the complicity of the petitioner in the incident as transpiring therefrom, 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 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 shall report before the Investigating Officer once in a month till the conclusion of the investigation and on further 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.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 5451 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)