

01.02.2024
M/L Item No.693
Ct. No. 29
PG/KS
Allowed

C.R.M.(A) 5416 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Thanarpara** Police Station Case No.218 of 2023 dated **05.10.2023** under Sections **448/ 354/ 376/ 511/ 509** of the Indian Penal Code, 1860.

And

In the matter of : **Safikul Mondal**

.....Petitioner.

Mr. Asraf Mondal
Md. B. Israil

....for the Petitioner.

Mr. Sanjib Kumar Dan

....for the State.

Victim recorded a statement under Section 164 of the Code of Criminal Procedure, where she stated that an attempt to rape her was made by the petitioner. Her wearing apparels were torn and she was scratched over her body.

Case Diary does not contain a medical report corroborating such claim of scratches. No seizure list is available in the Case Diary corroborating seizure of the torn apparels.

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 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 will report before the Investigating Officer once in a month till the conclusion of 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.

This application for anticipatory bail is, thus, allowed.

C.R.M.(A) 5416 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)