

05.02.2024

Serial no. 491

Anticipatory Bail

[Allowed]

Da

CRM (A) 5568 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Keshiary** Police Station Case No. **239** of **2023** dated **22.09.2023** under Sections **376(1)/354/506/34** of the Indian Penal Code, 1860.*

(G.R. Case No. 853/2023)

-And-

In the matter of : **Binod Bihari Shit @ Binod Behari Shit & Anr.**

... .. Petitioners

Mr. Suman Das Adhikary, Advocate

... .. For the Petitioners

Mr. Saryati Dutta, Advocate

... ..For the State

Affidavit-of-service filed in Court be taken on record.
None appears for the victim.

Victim recorded a statement under Section 164 of the Criminal Procedure Code, which, speaks of an attempt of rape.

Police are proceeding, *inter alia*, on the basis of rape not committed.

There is an issue of delay in lodgment of first information report.

Police filed charge sheet.

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 petitioners 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.

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

CRM (A) 5568 of 2023 is **disposed of**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)