

06.02.2024

Serial no. 82

Anticipatory bail

[Allowed]

Dd

CRM (A) 5530 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Tehatta** Police Station Case No. **543** of **2023** dated **12.07.2023** under Sections **365/376/34** of the Indian Penal Code, 1860. (G.R. Case No. 1400/2023)*

-And-

*In the matter of : **Alamgir Sk. @ Alomgir @ Alamgir**
... .. **Petitioner***

*Mr. Bibaswan Bhattacharya,
Mr. Asraf Mondal, Advocates
... .. For the Petitioner*

*Mr. Jaydeep Biswas, Advocate
... ..For the State*

Affidavit-of-service filed in Court be taken on record.

Police compliant was lodged pursuant to order passed under Section 156(3) of the Criminal Procedure Code. There is a delay of 40 days in lodging the petition under Section 156(3) of the Cr. P.C.

Victim recorded a statement under Section 164 of the Criminal Procedure Code where, she acknowledged that she was acquainted with the petitioner before us.

According to the victim, the petitioner took advantage of the precarious financial condition of her family and took her to Delhi on the promise of giving job where, she was repeatedly raped by the petitioner. The narration of events by the victim demonstrates that, she was in contact with public over an extended period of time. There is no explanation why she did not seek any help from the member of the public with whom she came in contact with over the period of time.

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 shall report before the Investigating Officer once in a fortnight 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) 5530 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)