

05.02.2024

Serial no. 500

Anticipatory bail

[Allowed]

Dd

CRM (A) 5577 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Raghunathganj** Police Station Case No. **772** of **2023** dated **13.09.2023** under Sections **376, 384 and 417** of the Indian Penal Code, 1860.*

(G.R. Case No. 2399/2023)

-And-

*In the matter of : **Sadirul Sheikh***

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

Mr. Arindam Jana,

Mr. Arkadeb Biswas,

Mr. Baibhav Roy, Advocate

... .. For the Petitioner

Mr. Sujan Chatterjee, Advocate

... ..For the State

Mr. Debapriya Samanta,

Mr. Samrat Ghosh, Advocates

... ..For the de facto complainant

Police compliant was lodged subsequent to order passed under Section 156(3) of Criminal Procedure Code.

De facto complainant is represented.

Apparently, the de facto complainant married a different person. It is, thereafter, that the complaint of rape and circulating indecent pictures were made.

In the statement recorded under Section 164 of the Criminal Procedure Code, the de facto complainant did not identify the petitioner as the person who appears in the so-called indecent pictures seized from the mobile phone of the de facto complainant.

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) 5577 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)