

21.02.2024
SL No. 42
Ct No. 29
SB

C.R.M. (A) 5694 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Ratua P.S. Case No. 277 of 2022 dated 28.5.2022 under Section 341/323/354/511 of the Indian Penal Code read with Section 8 of the POCSO Act.

And

In the matter of: Rajesh Chowdhury

....Petitioner

Mr. Sujoy Sarkar
Mr. Musharraf Alam Sk.
Mr. Rahul Chachar
Ms. Sushmita Ghorai

...for the Petitioner

Mr. Anand Keshari

...for the State

Victim recorded a statement under Section 164 of the Cr.P.C. where, she claims that her clothes were torn by the petitioner and that she was tortured by the petitioner.

Victim refused to undergo any medical examination. Case diary does not contain any seizure of the so called torn clothes.

Police filed charge sheet.

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/-, 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. 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.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)