

22.01.2024

DL.89

Court No.29

(AD)

(Allowed)

C.R.M. (A) 5716 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chakdaha** Police Station Case No.**675 of 2023** dated **22.09.2023** under Sections **354/376/511/379/34** of the Indian Penal Code, 1860 (GR Case No.107 of 2023).

And

In the matter of: **Asit Mandal & Anr.**

....petitioners.

Ms. Sananda Bhattacharyya

...for the petitioners.

Ms. Baisali Basu

... for the State.

Affidavit of service filed in Court be taken on record.

None appears for the victim despite service.

Victim recorded her statement under Section 164 of the Code of Criminal Procedure where she claims that the petitioner was involved in an attempt to rape her. Independent witnesses claimed that there was a financial transaction between the petitioner and the victim and that there was an incident of altercation and physical assault with regard thereto.

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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will report before the Investigating Officer once a month till the

conclusion of the 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.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 5716 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)