

04.01.2024
Item No.41
Ct. No. 29
CHC
Allowed

C.R.M.(A) 5727 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Dhubulia** Police Station Case No. **332** of **2023** dated **13.07.2023** under Sections **448/376/511** of the Indian Penal Code, 1860.

And

In the matter of : Raja Mondal

..... petitioner

Mr. Prabir Majumder,
Mr. Snehansu Majumder
....for the petitioner

Mrs. Anasuya Sinha,
Mr. Arani Bhattacharyya
....for the State

Petitioner prays for anticipatory bail.

Petitioner claims false implication due to property dispute.

Injury report of the de facto complainant suggests that she suffered injury at the abdomen.

De facto complainant recorded her statement under Section 164 of the Criminal Procedure Code.

Claim of attempt to rape is not corroborated from the materials in the Case Diary at this stage.

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 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.

This application for anticipatory bail is, thus, allowed.

CRM(A) 5727 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)