

22.01.2024  
Item No.95  
Ct. No. 29  
**CHC**  
Allowed

**C.R.M.(A) 5769 of 2023**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hogalberia** Police Station Case No. **207** of **2023** dated **12.09.2023** under Sections **448/376/511/379** of the Indian Penal Code.

And

In the matter of : Nijamuddin Mandal

..... petitioner

Mr. Asraf Mandal

....for the petitioner

Mrs. Debjani Sahu

....for the State

Petitioner prays for anticipatory bail.

None appears for the victim.

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

Victim recorded her statement under Section 164 of the Criminal Procedure Code where she speaks of an attempt to rape on her by the petitioner.

Victim refused to undergo any medical examination.

There is an issue of delay in lodgement of the police complaint.

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 will report before the Investigating Officer once in a month 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) 5769 of 2023 is disposed of.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**