

13.10.2020
tkm
sl no. 25

**C.R.M. 2836 of 2020
(via video conference)**

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Harischandrapur P.S case no. 424 of 2019 dated 13.7.2019 under sections 448/376/323/324/34 of the Indian Penal Code

And

Allowed

In Re : Atul Mandal @ Chamru Mandal petitioner

Mr. Kallol Mondal

Mr. M A Sk.

..... for the petitioner

Mr. Goutam Wilson

..... for the State

It is submitted on behalf of the petitioner that there was an altercation between the parties over domestic issues. Belated FIR falselyl alleges sexual assault on the victim.

Learned lawyer for the state opposes the prayer for anticipatory bail and submits that the victim was not only sexually assaulted but physically assaulted too.

We have considered the materials on record and we note that the allegation of sexual assault is significantly absent in the medical report dated 3.4.2019.

In view of the aforesaid fact and other attending circumstances of the case including the submission that there was an altercation over domestic issues, we are inclined to 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 application being CRM 2836 of 2020 is disposed of.

(Moushumi Bhattacharya, J.)

(Joymalya Bagchi, J.)