

03.09.2020

32

BR/AGM
Ct. No.11

Allowed

**CRM 5996 of 2020
CRAN 4445 of 2020
(Via Video Conference)**

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Domkal P.S. Case No. 315/2020 dated 30.06.2020 under Sections 417/376 of the Indian Penal Code.

And

In the matter of : **Jhantu Mondal**

..... Petitioner

Mr. Diptendu Banerjee

.... for the Petitioner

Mr. Pratick Bose,

...for the State.

The petitioner undertakes to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The learned advocate for the petitioner submits that the petitioner and the complainant had a relationship and subsequently the complainant has malafidely implicated the present petitioner. He further submits that going by the facts of the case, the custodial detention of the petitioner may not be warranted.

The learned advocate for the State opposes the prayer for anticipatory bail and draws the attention of this Court to the statement under Section 164 of the Code of Criminal Procedure as also other materials.

We have taken into account the statements of the witnesses as also the accompanying materials and after going through the same, we are of the opinion that custodial detention of the petitioner is not warranted in the facts and circumstances of the case.

As such, the prayer for anticipatory bail of the petitioner is allowed.

In the event of arrest, the petitioner shall be released on furnishing bond of Rs.10,000/- (rupees ten thousand only) with two sureties of Rs.5000/- (rupees five thousand) to the satisfaction of the arresting officer or the investigating officer of the case and on condition that the petitioner shall not tamper with the evidence or intimidate the witnesses.

The aforesaid order of anticipatory bail shall be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

With these observations, CRM 5996 of 2020 and CRAN 4445 of 2020 are disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Samapti Chatterjee, J.)

(Tirthankar Ghosh, J.)

