

20.10.2020

ssd
DL-55.

**CRM 8247 of 2020
(Via Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Tehatta P.S. Case No.405 of 2020 dated 23.09.2020 under Sections 363/376 of the Indian Penal Code.

And

In the matter of: **Dinobandhu Mondal**

....Petitioner.

Mr. Asraf Mandal

...for the Petitioner.

Ms. Manisha Sharma

...for the State.

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

The petitioner omplains of the belated filing of the complaint and says that it is inconceivable that the petitioner could have committed rape at 2 o'clock in the afternoon without any one noticing the same.

The State refers to the medical report. Though some burn injuries have been found on the person of the survivor, there does not appear to be any reference to the survivor being burnt or attempted to be burnt by the petitioner herein in course of the survivor's statement recorded under Section 164 of the Code. The medical report does not reveal any other injury, particularly to the private parts of 30-year-old survivor.

Considering the circumstances and the material gathered, the custodial interrogation of the petitioner may not be necessary. However, the petitioner must not contact the survivor in any manner whatsoever till the trial is completed.

Subject to above, in the event of arrest, the petitioner will be enlarged on bail on furnishing security of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount, one of whom must be local, to the satisfaction of the Arresting Officer. In addition, the petitioner will abide by the conditions in Section 438(2) of the Code of Criminal Procedure, 1973.

CRM 8247 of 2020 is disposed of.

(Sanjib Banerjee, J.)

(Arijit Banerjee, J.)