

23.12.2020
Sl. No.108
akd
[ALLOWED]

C. R. M. 10614 of 2020 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 14.12.2020 in connection with Domkal Police Station Case No. 567 of 2020 dated 29.09.2020 under Sections 448/376D of the Indian Penal Code.

And

In Re: ***Palash Sk. @ Palask Mondal***

... .. Petitioner

Mr. Mrityunjoy Chatterjee .. Advocate

Md. Golam Nure Imrohi .. Advocate

... .. for the petitioner

Mr. Bidyut Kr. Roy .. Advocate

Ms. Rita Datta .. Advocate

... .. for the State

Leave is granted to the learned advocate-on-record for the petitioner to correct the cause title of the application and amend the same in course of this day.

It is submitted on behalf of the petitioner that there is inordinate delay in lodging FIR. It is further submitted that there was intimate relationship between the victim and the accused persons.

Learned advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. Allegation of forcible rape may be considered in the light of the submission relating to inordinate delay in lodging FIR and the intimate relationship between the parties. That apart, no electronic evidence with regard to obscene pictures has been seized during investigation. Under such circumstances, we are of the opinion that custodial interrogation of the accused/petitioner may not be necessary in the facts of the present case and he may be granted anticipatory bail however, subject to strict conditions.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely **Palash Sk. @ Palask Mondal**, 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, while on bail, shall not enter the jurisdiction of Domkal Police Station until further orders except for the purpose of investigation and/or for attending court proceedings and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall report to the Officer-in-charge of the concerned police station within whose jurisdiction he shall presently reside once in a week until further orders.

The application for anticipatory bail is, thus, disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)