

10.02.2021
Item No.236
Ct.No.28
Subha
Allowed

C.R.M. 419 of 2021
(Via Video Conference)

In Re : An Application for anticipatory bail under Section 438
of the Code of Criminal Procedure.

And

In the matter of : Motohar Mondal & Anr.
.....petitioners.

Ms. Karabi Roy
... For the petitioners.

Mr. Abhra Mukherjee
Mr. Dipankar Mahata ... For the State.

Apprehending arrest in connection with Kotwali
Police Station Case No. 951 of 2020 dated 10-12-2020 under
Sections 363/366/376/506/34 of the Indian Penal Code,
the present application has been preferred.

Ms. Roy, learned advocate appearing for the
petitioners submits that the case was initiated under Section
156(3) of the Code of Criminal Procedure and the same has
been instituted with an ulterior motive as the petitioner no.2
refused to marry the victim.

Learned advocate appearing for the petitioners further submits that after a considerable period of time, the complaint was lodged and as such there is every chance of the petitioners being falsely implicated in the present criminal proceedings.

Learned advocate appearing for the State opposes the petitioners' prayer for anticipatory bail and draws the attention of this Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and other supporting witnesses.

We have perused the materials available in the case diary, more particularly the statement of the victim as well as that of the witnesses.

On an appreciation of the same, we are of the opinion that there are materials warranting custodial interrogation of the petitioner no.2. As such, the prayer for anticipatory bail of the petitioner no.2 is rejected.

So far as the petitioner no.1 is concerned, we are of the opinion that he is entitled to the privilege of anticipatory bail

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioner, namely, **Motohar Mondal** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and

subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail, being CRM 419 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)