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18-05-2021

Court 28

**C.R.M. 1270 of 2021
(Via Video Conference)**

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Deganga Police Station Case No. 492 of 2019 dated 21.08.2019 under sections 417/376 of the Indian Penal Code.

Saidul Mondal
Versus
State of West Bengal

Allowed

Mr. Nilanjan Adhikari, Adv.

...for the petitioners.

Mr. Narayan Prasad Agarwala, Adv.

Mr. Ashok Das, Adv.

Mr. Nirupam Dhali, Adv.

...for the State.

It is submitted on behalf of the petitioner that the petitioner has been falsely implicated in the instant case and is innocent. There was a love affair between the petitioner and the victim which subsequently turned sour for which the victim lodged a false complaint against the petitioner.

The State produces the case diary along with the statement of the victim under Section 164 of the Code of Criminal Procedure and opposes the prayer for anticipatory bail. It appears that the victim is a major married lady and was aware of the consequences of the allegedly consensual relationship between the parties.

Having considered the materials available before us including the statement of the victim under Section 164 of the Code of Criminal Procedure, we are inclined to hold that the custodial interrogation of the petitioner is not required and the petitioner may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on anticipatory 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 petitioner shall meet the Investigation Officer once in a week until further order.

The application for anticipatory bail is allowed.

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

(Suvra Ghosh, J.)

(Soumen Sen, J.)