

21.05.2021
SL No.49
Court No.28
(gc)

CRM 1744 of 2021
(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Islampur Police Station Case No.332 of 2020 dated 28.06.2020 under Section 448/376 of the Indian Penal Code.

And

In the matter of : **Palas Ali Mondal @ Palash Sk.**

- Petitioner

Mr. Anisur Rahaman

... For the Petitioner.

Mr. S.S. Imam,

Mr. A. Manna,

... For the State.

It is submitted on behalf of the petitioner that the complaint was lodged after delay of 2 months and 20 days falsely implicating the petitioner.

The State, however, opposes the prayer for anticipatory bail and submits that the statement of the victim is recorded under Section 164 of the Code of Criminal Procedure.

Having considered the materials on record including the nature of allegations as well as the fact that the charge-sheet has been submitted, we are inclined to hold that custodial interrogation of the petitioner may not be required and he may be granted anticipatory bail. Accordingly, the prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Palas Ali Mondal @ Palash Sk.**, shall be

released on bail upon furnishing a bond of Rs.10,000/-, 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 No.1744 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.

(Suvra Ghosh, J.)

(Soumen Sen, J.)