

11. 22.09.2021

Ct.32

Tanmoy

Allowed

C.R.M. 2928 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **23/03/2021** in connection with **Ratua Police Station Case No. 505 of 2020** dated **07/11/2020** under Sections **448/376** of the Indian Penal Code.

And

In the matter of: - **Jiban Mondal @ Jiban Mandal**

...petitioner.

Mr. Koustav Bagchi,
Mr. Arup Sarkar,
Mr. Debayan Ghosh

...for the petitioner.

Mr. Saibal Bapuli, Ld. A.P.P.,
Mr. Soumik Ganguly

...for the State.

The petitioner says that this false complaint has been lodged by the victim lady when the petitioner claimed back the money that he had lent to the victim. The complaint was lodged 26 days after the alleged incident. The allegation is of rape.

We find from the Case Diary that there is no statement of the victim under Section 164 of the Code of Criminal Procedure. There is also no medical report. The case was instituted in November, 2020.

On an overall assessment of the material in the Case Diary and the possible extent of complicity of the petitioner in the alleged offence, although charge-sheet is yet to be submitted, we are of the opinion that immediate custodial interrogation of the petitioner is not necessary so long as he co-operates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, *viz.*, **Jiban Mondal @ Jiban Mandal** 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

And on further condition that the petitioner shall meet the Investigating Officer once every fortnight until further orders.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application being C.R.M. 2928 of 2021 is, accordingly, disposed of.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)