

CRM 3348 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Sagarpara Police Station Case No.154 of 2020 dated 12-12-2020 under Sections 448/376/506 of the Indian Penal Code.

- A n d -

In the matter of : Hebjul Mondal @ Hebjul Islam Sk.
.... Petitioner.

Ms. Minoti Gomes
... For the Petitioner.

Mr. Md. Anwar Hossain,
Mr. Md. Kutubuddin
... For the State.

The allegation is that the petitioner trespassed into the house of the victim lady and raped her.

The petitioner is about 30 years old and a married man. He says that there was a long-standing relationship between him and the victim lady who is about 26 years old and a married person also. Taking advantage of the absence of the victim's husband, the petitioner and the victim lady indulged in physical relationship. The present false complaint has been filed when the victim's husband found out about the affair between the victim and the petitioner.

We have seen the statements in the Case Diary. *Prima facie*, there is nothing to implicate the petitioner. The medical report reveals no injury at all.

On an overall assessment of the facts and circumstances of the case and the material on record, we are of the view that although Charge Sheet is yet to be submitted, immediate custodial interrogation of the petitioner is not

necessary so long as he cooperates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, namely, **Hebjul Mondal @ Hebjul Islam Sk.**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer. The petitioner shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

In the event the petitioner fails to adhere to any of the conditions stipulated in Section 438(2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 3348 of 2021 is, thus, **allowed**.

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

(**Bivas Pattanayak, J.)**

(**Arijit Banerjee, J.)**