

CRM 3545 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bhutni Police Station** Case No. **32 of 2021** dated **06.03.2021** under Section **376D** of the Indian Penal Code.

- A n d -

In the matter of : Kalipada Mandal & Ors.

.... Petitioners.

Mr. M. Alam Sk.,

... For the Petitioners.

Mr. S. G. Mukherjee, Sr. Adv.

Mr. F. Hossain,

Mr. A. Mitra,

... For the State.

Apparently, the charge is serious, i.e., the charge is of gang rape. The petitioners say that they and the defacto complainant are neighbours. There have been long-standing land disputes between the petitioners and the family of the victim lady. This has prompted the filing of the false complaint.

We have seen the statement of the victim lady. She implicates these petitioners. However, we have also seen the statements of neighbours recorded under Section 164 of the Code of Criminal Procedure, who say that the victim is not speaking the truth. The entire dispute is related to land. The complaint is not genuine. We also notice that at page 87 of the case diary there is a report of the Investigating Officer that FRT may be filed. We also note that the victim lady, who is married and 21 years old, has refused to undergo medical examination.

On an overall assessment of the material on record and the facts and circumstances of the case, we are of the view that

immediate custodial interrogation of the petitioners may not be necessary so long as they cooperate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioners, namely, **Kalipada Mandal, Sudam Mandal** and **Ram Mandal** shall be released on bail upon furnishing a bond of Rs. 10,000/- each, 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 shall report to the Investigating Officer once in a fortnight until further orders.

In the event the petitioners fail 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 3545 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.**)