

02.12.2021
Item no.130
Court No.32
Avijit Mitra

C.R.M. 4589 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re : Prashanta Mondal

.... petitioner

Mr. Tapan Dutta Gupta,
Mr. Parvej Anam

....for the petitioner

Mr. P.K. Datta,
Mr. Subroto Roy

..... for the State

Apprehending arrest in connection with English Bazar Women Police Station Case No.131 of 2020 dated 10.12.2020 under Sections 376/493/323/379 of the Indian Penal Code, the present application has been preferred.

Mr. Dutta Gupta, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The allegations levelled are in the abstract. In the said conspectus custodial interrogation is not warranted.

Mr. Datta, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim lady as recorded under Section 164 of the Code including the medical report.

Prima facie, it appears that the statement made by the victim lady is exonerative in nature and the possibility of consensual sex cannot be ruled out. In view thereof, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Prashanta Mondal**, shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten thousand only) with two sureties of like amount each, 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 on further condition that the petitioner shall cooperate with the investigation and shall meet with the investigating officer as and when called for.

He shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for anticipatory bail being C.R.M. 4589 of 2021 is disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)