

CRM 5186 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Prasad Mondal alias Ramprasad Mondal**
..... petitioner

Mr. Sumanta Das

.....For the petitioner

Mr. Debabrata Chatterjee, Ld. APP

Ms. Mousumi Sarkar

.....For the State

Apprehending arrest in connection with Tehatta Police Station Case No. 160/ 2021 dated 29/03/2021 under Sections 448/376/511/325/379/34 of the Indian Penal Code, the present application has been preferred.

Mr. Sumanta Das, learned lawyer appearing for the petitioner submitted that the allegation is false and frivolous. It is only alleged that the present petitioner attempted to commit rape upon the de facto complainant. Other co-accused are on bail. The whole allegation is baseless. According to the learned lawyer, anticipatory bail should be allowed.

Per contra, Mr. Debabrata Chatterjee, learned lawyer appearing for the State candidly admitted that except one there is no other medical report showing any rape was attempted or committed upon the victim girl. He also submitted that there was no seizure memo showing recovery

of any ornament, although Mr. Chatterjee opposed granting anticipatory bail to the petitioner.

We have heard rival submissions and perused the case diary. We have perused the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and the medical report. The medical report shows simple injury on ear and is not corroborative to the allegation levelled against the present petitioner or the other accused persons. On perusal of the case diary and other materials, considering the nature of offence and progress of investigation, we are inclined to exercise our discretion and allow anticipatory bail to the present petitioner, namely, **Prasad Monal alias Ramprasad Mondal** on furnishing a bond of Rs.5,000/-, with two sureties of like amount each, one of whom must be local, 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.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses. He shall also attend learned Court below on all the dates, as specified for hearing.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM 5186 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.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)