

17.09.2021
Serial no.23
BM

(Through Video Conference)

CRM 5891 of 2021

In re : An Application for anticipatory bail under Section **438** of the Code of Criminal Procedure filed on **01.09.2021** in connection with **Ratua** Police Station Case No.**08** of **2020** dated **04.01.2020** under Sections **363/365/506/34** of the Indian Penal Code corresponding to GR Case No.94 of 2020.

- And -

In the matter of : **Bhola Mondal & Ors.**
...Petitioners

Mrs. Minoti Gomes ... For the Petitioner

Mr. Rana Mukherjee,
Ms. Arup Mondal ... For the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioners submit that the petitioners were falsely implicated. She submits that there was an incident of rape committed by the person missing. The petitioners lodged a complaint with regard to such rape. The petitioners approached the court under section 156(3) of the Code of Criminal Procedure on December 13, 2019. The First Information Report was subsequently registered on February 8, 2020. She submits that the complaint as against the petitioners were lodged on January 4, 2020 which is subsequent to the petitioners approaching the court under Section 156(3) of the Code of Criminal Procedure. She submits that the complaints against the petitioners are counter blast to the charge of rape brought against the missing person.

Learned advocate appearing for the State submits that an incident occurred at the marriage ceremony on November 13, 2019 where the missing person was beaten by the petitioners and their relatives. The person is missing since December 3, 2020. The father of the missing person lodged a general diary on December 5, 2019 claiming that his son was missing from

December 29, 2019. He submits that the investigations are in progress.

Considering the facts and circumstances of the case and considering the fact that the father of the missing person lodged a general diary on December 5, 2019 and the fact that the petitioners approached the Court under Section 156(3) of the Code of Criminal Procedure on December 13, 2019, we reject the prayer for anticipatory bail of the petitioner Nos.1, 2, 3, 4, 5 and 7. However, since the petitioner no.6 is newly married to the family we grant anticipatory bail to her.

Accordingly, we direct that in the event of arrest, the petitioner No.6 (Nomita Mondal) shall be released on anticipatory 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 and on further condition that the Petitioner no.6 (Nomita Mondal) shall meet the Investigation Officer once in fortnight until further orders.

CRM 5891 of 2021 is disposed of.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)