

15.11.2021

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Allowed

C.R.M. 7105 of 2021
(via video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Nowda Police Station Case No. 136 of 2021 dated 17.06.2021 under Sections 354A(2)/509/448/354/506 of the Indian Penal Code.

And

In Re : Sohel Mondal petitioner

Mr. Asraf Mandal

.....for the petitioner

Mr. Arijit Ganguly
Mr. Anik Ghatak

....for the State

Leave is granted to the learned advocate for the petitioner to correct the cause title and add Section 376 of the Indian Penal Code to the array of offences in the F.I.R..

Learned advocate appearing for the petitioner submits that there is unexplained delay in lodging first information report and the petitioner has been falsely implicated in the instant case.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. Though the petitioner alleges forcible rape, she kept quiet and did not inform the neighbours who

rushed to the spot. In this factual backdrop, credibility of the explanation for the delay in lodging F.I.R. may be assessed at the appropriate stage of the proceeding. Investigation is complete. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner, however subject to strict conditions.

Accordingly, we direct that in the event of arrest the petitioner 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 also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further conditions that the petitioner shall not enter into the jurisdiction of Nowda Police Station and shall provide the address where he shall presently reside to the said officer-in-charge as well as court below while on bail and shall report to the officer-in-charge concerned within whose jurisdiction he shall presently reside once in a week until further orders. The petitioner shall appear before the court below and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)

