

24.11.2021

38

Ct. No. 29

**KAUSHIK**

Allowed

**C.R.M. 7487 of 2021**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Durgapur Women** Police Station ADPC Case No. **38** of **2021** dated **19.08.2021** under Sections 376/417/313 of the Indian Penal Code, 1860.

And

In Re : Sarif Mondal

..... petitioner

Mr. Sankar Paul

Mr. Syed Imtiaz Ahmed

Mr. Syed Murshid Alam

Mr. M. Islam

....for the petitioner

Mr. Avishek Sinha

....for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that, the police complaint is a result of a relationship going sour.

Learned advocate appearing for the State draws the attention of the Court to the statement recorded under Section 164 of the Code of Criminal Procedure (Cr. P.C.) of the victim. In answer to a query from the Court, he submits that, the victim refused to undergo medical test.

Considering the materials in the case diary and considering the claim of past relationship between the parties

and considering the fact that the victim refused to undergo medical test, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 condition that the petitioner shall appear before the Investigating Officer once a month till the conclusion of the investigation and on condition that the petitioner shall appear before the jurisdictional court on every date fixed and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

**(Debangsu Basak, J.)**

**(Bibhas Ranjan De, J.)**