

19.03.2021

Item no. 130

Ct.04

PG

C.R.M. No.11239 of 2020

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with English Bazar Women Police Station Case No. 68 of 2020 dated 28.07.2020 under Sections 365/376/379/448/325/326/307/34 of the Indian Penal Code.

And

In the matter of:- Rahul Mondal.....petitioner

Mr. Dipanjan Chatterjee

Mr. Prabir Majumder.....for the petitioner

Mr. Aniket Mitra ..for the State

The present application under section 438 of the Code of Criminal Procedure filed at the instance of Rahul Mondal is taken up for hearing and order.

It is submitted on behalf of the petitioner that there was a consensual relationship between the parties and the parties had eloped. Due to dispute between the families of the parties, the present complaint has been lodged.

State opposes the prayer for anticipatory bail and refers to the injury report and statement of the victim recorded under section 164 of the Code of Criminal Procedure.

It appears that the statement of the victim is not in conformity with her injury report. Considering the nature of allegations as well as other materials available in the case diary including the injury report, we are inclined to hold that custodial interrogation

of the petitioner is not required and he may be granted anticipatory bail but subject to strict conditions.

Accordingly, we direct that in the event of arrest the petitioner shall be released on anticipatory bail upon furnishing bond of Rs. 10,000/- (Rupees Ten Thousand) only with two sureties of like amount to the satisfaction of the arresting officer and also 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 not enter into the jurisdiction of English Bazar Women Police Station except for meeting the investigating officer and for attending Court proceedings and shall also meet the Officer-in-Charge of the Police Station where he shall presently reside once in a week till submission of charge sheet.

The application for anticipatory bail is, accordingly, allowed.

C.R.M. 11239 of 2020 is disposed of.

(Arindam Sinha, J.)

(Suvra Ghosh, J.)