

01.02.2022
Item no. 32
Court No.32
Avijit Mitra

C.R.M. (A) 119 of 2022 (Thorough Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Bhagwangola Police Station Case No.593 of 2021 dated 20.12.2021 under Sections 448/376 of the Indian Penal Code,;
And

In Re : Digambar Mondal

.... petitioner

Ms. Minoti Gomes

....for the petitioner

Mr. N.P. Agarwala,

Ms. Subhasree Patel

..... for the State

Heard the learned lawyer for the petitioner. Perused the case diary.

Learned lawyer for the petitioner submitted that the allegation against the present petitioner is commission of rape against the victim. Statement recorded under Section 164 of the Code of Criminal Procedure as well as the statement recorded under Section 161 of the Code of Criminal Procedure of the victim have discrepancies and inconsistencies. Medical report does not corroborate the allegation levelled against the present petitioner. Statement of other witnesses indicates that the present petitioner had some relationship with the victim lady. Chargesheet has not yet been filed.

On perusal of case diary, other materials and considering the available extent of incriminating materials against the present petitioner we are of the opinion that custodial detention of the present petitioner for interrogation is not necessary and accordingly, we allow the anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioner namely, **Digambar Mondal**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each 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.

The petitioner shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for anticipatory bail being C.R.M.(A) 119 of 2022 is 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.)