

07.03.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1089 of 2022

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. **233** of **2021** dated **18.11.2021** under Sections 376/417/323/307/34 of the Indian Penal Code, 1860.

And

In Re : Apu Mondal

..... petitioner

Mr. Mrityunjoy Chatterjee
Mr. Susnigdho Bhattacharya
....for the petitioner

Mr. Tanmoy Kumar Ghosh
Mr. Arindam Sen
....for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. The police complaint was lodged one year after the incident. The police complaint is a result of love relationship going sour.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.).

Considering the fact that in the statement recorded under Section 164 of the Code of Criminal Procedure, the victim acknowledges relationship between her and the petitioner and

considering the fact that the police complaint was lodged one year after the incident, 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 meet the Investigating Officer once in a fortnight 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.

The petitioner till surrender his mobile phone before the Investigating Officer forthwith.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

