

09.06.2022  
tkm/ct 28  
sl no. 98

**C.R.M. (A) 2466 of 2022**

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Sagarpara P.S case no. 9 of 2022 dated 14.1.2022 under sections 363/365/342/324/376/34 of the IPC And

**Allowed**

In Re : Hasim Mondal ..... petitioner

Mr. J I Hosain

..... for the petitioner

Ms. Faria Hosain

Mr. Anand Keshari

..... for the State

It is submitted on behalf of the petitioner that the parties had married under Muslim Law. Subsequently, the de facto complainant-wife withdrew from the matrimonial home and gave talaq. Thereafter, she lodged a false case to harass the petitioner.

Learned lawyer for the State opposes the prayer for anticipatory bail.

We have considered materials on record. Allegation of forcible rape requires to be assessed in the light of the aforesaid submissions made on behalf of the petitioner.

Keeping in mind the aforesaid facts, we are of the opinion though custodial interrogation of the petitioner is not necessary, he requires to co-operate with investigation in accordance with law.

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 while on bail shall meet the investigating officer once in a week until further orders.

Petitioner shall appear before the court below and prays for regular bail within four weeks from date.

The application being CRM (A) 2466 of 2022 is disposed of.

**(Ananya Bandyopadhyay, J.)**

**(Joymalya Bagchi, J.)**