

13.06.2022
Sl. No.118
akd
[ALLOWED]

C. R. M. (A) 2572 of 2022

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 06.06.2022 in connection with Tehatta Police Station Case No. 269 of 2022 dated 13.04.2022 under Sections 448/376/506 of the Indian Penal Code.

And

In Re: ***Premchand Mondal***

... .. Petitioner

Mr. Asraf Mandal

... .. for the petitioner

Mr. Avishek Sinha

... .. for the State

It is submitted on behalf of the petitioner that the instant case was lodged in retaliation to an earlier case instituted by his wife against the son of the de-facto complainant victim.

Learned advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. Allegation of rape requires to be assessed in the light of pre-existing enmity between the parties. Keeping in mind the aforesaid fact, we are of the opinion though custodial interrogation of the accused/petitioner may not be necessary in the facts of the present case, his movement requires to be restricted in order to instil confidence in the mind of the victim.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely ***Premchand Mondal***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, 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, while on bail, shall not enter the jurisdiction of Tehatta Police Station until further orders except for the purpose of investigation and/or for attending court proceedings and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall report to the Officer-in-charge of the police station concerned within whose jurisdiction he shall presently reside once in a week until further orders. Petitioner shall appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)