

01.07.2022
Serial no.18
Aloke

CRM (A) 3116 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Hanskhali Police Station Case No. 566 of 2022 dated 13.06.2022 under Sections 341/354(B)/376/506 of the Indian Penal Code.

-And-

In the matter of : **Montu Mondal**

... .. Petitioner

Ms. Minoti Gomes, Advocate

... .. For the Petitioner

Mr. Naryan Prasad Agarwal, Advocate

Mr. Ashok Das, Advocate

... ..For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated.

Learned Advocate appearing for the State draws the attention to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and the materials in the case diary.

The de facto complainant and the petitioner are adults. The claim of the petitioner that there was a relationship between the de facto complainant and the petitioner cannot be ruled out at this stage. Consequently, we are inclined to 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/- (Rupees Ten Thousand Only), 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 month till the conclusion of the investigation and on further condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is allowed.

In view of the claim of the petitioner that offensive photographs of the de facto complainant was taken by the petitioner in his mobile phone, it would be appropriate to direct the petitioner to surrender his mobile phone with the Investigating Officer forthwith.

CRM (A) 3116 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)