

28.07.2022
Sl.53
Court No.29
(AD)
(Allowed)

C.R.M. (A) 3582 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bhutni** Police Station Case No. **93 of 2022** dated **11.06.2022** under Sections **376/506** of the Indian Penal Code.

And

In the matter of: **Jayanta Mandal & Ors.**

....petitioners.

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

...for the petitioners.

Mr. Avishek Sinha

...for the State.

Petitioners pray for anticipatory bail.

Learned Advocate appearing for the petitioners submits that the police complaint was lodged subsequent to an order passed under Section 156(3) of the Code of Criminal Procedure. Such petition was filed after four months of the alleged incident.

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

The allegation of rape by the de facto complainant in her statement recorded under Section 164 of the Code of Criminal Procedure is directed against Joydeb Mandal who is not the petitioner herein.

In such circumstances, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners 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 and on condition that the petitioners will report before the Investigating Officer once a fortnight till the conclusion of the investigation and on condition that the petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 3582 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)