

12.08.2022
Serial no.17
Aloke

CRM (A) 3872 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Tehatta Police Station Case No. 106 of 2022 dated 17.02.2022 under Sections 448/376 of the Indian Penal Code.

-And-

In the matter of : **Tapas Mondal @ Tapash Mondal**

... .. Petitioner

Ms. Minoti Gomes, Advocate

Mr. Asraf Mandal, Advocate

... .. For the Petitioner

Mr. Bidyut Kr. Roy, Advocate

Ms. Sima Biswas, Advocate

... ..For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. She submits that a false complaint was initially lodged against the petitioner where the petitioner obtained bail. Immediately thereafter the present police complaint was lodged.

Learned Advocate appearing for the State draws the attention to the statement of the victim recorded under Section 161 of the Code of Criminal Procedure on February 17, 2022. Her medical examination report dated February 17, 2022 and her statement recorded under Section 164 of the Code of Criminal Procedure.

It appears from the statement recorded under Section 161 of the Code of Criminal Procedure of the victim that she was allegedly ravished by the petitioner on February 8, 2022.

There is a previous police complaint with regard to the same incident pending. The petitioner obtained bail therein.

Thereafter the present police complaint was lodged. The incident was of February 8, 2022. The first information report was lodged on February 17, 2022. The statement under Section 161 of

the Code of Criminal Procedure was recorded on February 17, 2022. She was examined by the doctor on the same day.

Although, the victim claims that she was ravished, the medical examination report does not support such claim.

In such circumstances, 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 condition that the petitioner shall meet the Investigating Officer as and when called for 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.

CRM (A) 3872 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)