

**04.01.2022**

Court No.32  
rpan / **263**

**CRM 7789 of 2021**

[through Video Conferencing]

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re.: **Badal Mondal**

- Petitioner

Mr. Mrityunjoy Chatterjee

... for the Petitioner.

Mr. Sujan Chatterjee

... for the State.

Apprehending arrest in connection with Mothabari Police Station Case No.174 of 2021 dated 26.06.2021 under Sections 363/365/506/120B of the Indian Penal Code, 1860, the petitioner has filed the present application.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that there was a love relationship between the victim and the petitioner. The victim willingly left her residence and accompanied the petitioner and their relationship was consensual in nature. The petitioner has, thus, been falsely implicated and in the said conspectus, custodial interrogation is not necessary.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the victim girl, as recorded under Sections 161 and 164 of the Code. Answering a query of this Court, the learned advocate informs that the victim refused medical examination and that investigation is still continuing.

Having heard the learned advocates and considering the materials in the case diary, including the statements of the victim

girl, the nature of allegations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Badal Mondal**, shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, 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.

It is further directed that the petitioner shall attend the learned court below on all the dates, as specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM 7789 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

**(Sugato Majumdar, J.)      (Tapabrata Chakraborty, J.)**