

CRM 8270 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Rabiul Mondal @ Banaful @ Rabiul Islam**
..... petitioner

Mr. Kallol Mondal
Mr. Amanul Islam
Mr. Sourav Mukherjee

.....For the petitioner

Mr. Iqbal Kabir

.....For the State

Apprehending arrest in connection with Hogalberia Police Station Case No. 274/2021 dated 26.11.2021 under Sections 448/376/511 of the Indian Penal Code, the instant application for anticipatory bail is filed.

Mr. Mondal, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The victim is a married lady and the relationship was consensual. The alleged incident occurred on 9th September, 2021 and about 76 days thereafter, the application under Section 156(3) of the Code was filed. In view of such delay, exaggerated account of the incident cannot be ruled out and in the said conspectus, custodial interrogation is not necessary.

Mr. Kabir, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the neighbours as recorded under Section 161 of the Code.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of accusations 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, **Rabiul Mondal @ Banaful @ Rabiul Islam** 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 with a direction that the petitioner shall not enter the jurisdiction of Hogalberia Police Station save and except for meeting with the investigating officer of the case once a week till investigation is complete.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses. He shall also attend learned Court below on all the dates, as specified for hearing.

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 8270 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.

(Md. Nizamuddin, J.)

(Tapabrata Chakraborty, J.)