

06.01.2022
Sl. No.10
akd
[ALLOWED]

C. R. M. 8986 of 2021 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 23.12.2021 in connection with Tehatta Police Station Case No. 11 of 2020 dated 06.01.2020 under Sections 448/376/506 of the Indian Penal Code.

And

In Re: ***Mithun Mandal***

... .. Petitioner

Mr. Asraf Mandal
Ms. Mary Datta

... .. for the petitioner

Mr. Rudradipta Nandy

... .. for the State

It is submitted on behalf of the petitioner that there is delay in lodging FIR and he has been falsely implicated in the instant case.

Learned advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. There is delay in lodging FIR. Credibility of the allegation of forcible rape is to be assessed in the light of the aforesaid delay and other attending circumstances during trial. However, in the factual matrix of the case, we are of the opinion that custodial interrogation of the accused/petitioner is not necessary and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely ***Mithun Mandal***, 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 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 appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Bibhas Ranjan De, J.)

(Joymalya Bagchi, J.)