

31.10.2022

Sl.34

Court No.29

(AD)

(Allowed)

C.R.M. (A) 4714 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Harischandrapur** Police Station Case No. **398 of 2022** dated **22.05.2022** under Sections **448/376** of the Indian Penal Code vide G.R. No.1233 of 2022..

And

In the matter of: **Mamun Ali**

....petitioner.

Ms. Sujata Das

...for the petitioner.

Mr. Tanmay Kumar Ghosh, Ld. Sr. Government Advocate.

Ms. Pritha Paul

...for the State.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated.

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

The victim claims that she was ravished by the petitioner, who is the brother-in-law of the victim, at her parental home. The victim refused to undergo any medical examination. The issue of false implication at this stage cannot be overlooked.

In such circumstances, we 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

subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will report before the Investigating Officer once a fortnight till the conclusion of the investigation and on 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.

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

C.R.M. (A) 4714 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)