

03.11.2022.
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as
(Allowed)

C.R.M. (DB) 3511 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Murutia P. S. Case No.189 of 2022 dated 12.08.2022 under Sections 498A/325/354B/307/34 of the Indian Penal Code and adding Section 376 of the Indian Penal Code.

In the matter of : Anirban Mandal.

.... Petitioner.

Mr. Kallol Guha thakurata,
Mr. Ashish Kr. Dutta.

...for the Petitioner.

Mr. Debabrata Chatterjee, Id. A.P.P.,
Mr. Santanu Chatterjee.

...for the State.

Petitioner is in custody for 80 days. It is contended allegation of rape is an after thought and was subsequently introduced by the victim in her statement recorded under Section 164 of the Code of Criminal Procedure. He accordingly prays for bail.

Learned Advocate for the State opposes the prayer for bail. He submits allegation of outraging the modesty is referred to in the first information report.

We have considered the materials on record. In her statement recorded under Section 164 of the Code of Criminal Procedure victim stated that she was raped by her brother-in-law. No contemporaneous report was filed with regard to the aforesaid event. Whether the allegation of rape is an

embellishment or not requires to be assessed in the backdrop of other circumstances during trial.

Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 learned Additional Chief Judicial Magistrate, Tehatta, Nadia subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)