

12.10.2022.
36.
AGM/AN
(Allowed).

C.R.M. (A) 4867 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Kaliachaw P. S. Case No.819 of 2022 dated 29.07.2022 under Sections 323/34/376/417/506 of the Indian Penal Code.

In the matter of : Premkumar Mondal @ Premkumar Mandal
... Petitioner.

Mr. Salman Hasan,
...for the Petitioner.

Mr. Subrata Roy,
.....for the State.

It is submitted on behalf of the petitioner that there was consensual relationship between the parties for a number of years. Allegation of forcible rape is false and petitioner has been falsely implicated in this case. He prays for anticipatory bail.

Learned lawyer for the State opposes the prayer for anticipatory bail. He submits the medical report which shows signs of forcible sexual intercourse.

We have considered the materials on record. Statement of the victim lady shows that there was an intimate relationship between the parties for the last four years. Allegation of forcible sexual intercourse requires to be assessed in the light of her aforesaid statement during trial.

Keeping in mind the facts and circumstances of the case, we are of the opinion that though custodial interrogation is not necessary, the petitioner requires to co-operate with the Investigation Officer.

Under such circumstances, we are inclined to 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/- 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 further condition that the petitioner shall appear before the trial court and pray for regular bail within a period of four weeks from date.

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

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)