

28.11.2022
Serial no. 11
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 5481 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with G.R. Case No.- **3999/2022** arising out of **Habibpur** Police Station Case No. **220** of **2022** dated **29.06.2022** under Sections **376/417** of the Indian Penal Code.

-And-

In the matter of : **Dipak Mondal @ Dipak Mandal**
... .. Petitioner

Mr. Kusal Kr. Mukherjee,
Mr. Surajit Basu, Advocates
... .. *For the Petitioner*

Mr. Imran Ali,
Ms. Debjani Sahu, Advocates
... ..*For the State*

There is a marriage certificate of the marriage between the de facto complainant and the petitioner.

Such marriage apparently occurred subsequent to the recording of a statement under Section 164 of the Criminal Procedure Code by the victim.

The victim refused to undergo any medical examination test.

In 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/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the arresting officer and also be 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 report before the

Investigating Officer as and when called for till the conclusion of the investigation and on further 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.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 5481 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)