

02.12.2022
Serial no. 05
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 5528 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Bhutni** Police Station Case No. **93** of **2022** dated **11.06.2022** under Sections **376/506** of the Indian Penal Code.

-And-

In the matter of : **Joydeb Mandal**

... .. Petitioner

Mr. Arup Kr. Bhowmick, Advocate
... .. *For the Petitioner*

Mr. Rudradipta Nandy, Id. APP
Mr. Abhra Mukherjee,
Mr. Dipankar Mahata, Advocates
... ..*For the State*

Report as called for by the order dated November 29, 2022 filed in Court be taken on record.

The report speaks of investigations revealing that, the victim went voluntarily with the petitioner. There are electronic evidence in the case diary suggesting such fact. The victim made such statement to an independent person at the contemporaneous point of time which was recorded in the electronic medium.

The allegations as against the police personnel concerned were noticed by the police immediately after the victim recording the statement under Section 164 of the Criminal Procedure Code. The police took action against such person.

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) 5528 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)