

17.01.2023

Sl.26

Court No.29

(AD)

(Allowed)

C.R.M. (A) 198 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tehatta** Police Station Case No. **1083 of 2022** dated **06.12.2022** under Sections **448/376/506** of the Indian Penal Code.

And

In the matter of: **Sadhan Mondal**

....petitioner.

Mr. Priyankar Ganguly

Ms. Simontini Bhadra

...for the petitioner.

Mr. Bidyut Kumar Roy

Ms. Sima Biswas

...for the State.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that there was a delay in the lodgment of the First Information Report about the alleged incident for about 18 days. The petitioner was falsely implicated.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and the medical examination report of the victim. He also refers to two 161 statements.

There is a delay in the lodgment of the First Information Report. Although in the statement recorded under Section 164 of the Code of Criminal Procedure, the victim claims that she was raped, the medical report does not corroborate the same.

There is no statement of any independent person

corroborating the claim of the victim that on her raising hue and cry neighbours intervened.

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 month 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) 198 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)