

28.02.2023
Serial no. 25
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 848 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. **83** of **2023** dated **29.01.2023** under Sections **376/511/323/506** of the Indian Penal Code read with Section **8** POCSO Act.

-And-

In the matter of : **Sukanta Mondal**

... .. Petitioner

Ms. Minoti Gomes,
Mr. Amanul Islam,
Mr. Sourav Mukherjee,, Advocates
... .. *For the Petitioner*

Mr. Saswata Gopal Mukherjee, Id.PP
Mr. Partha Pratim Das,
Ms. Eshita Dutta, Advocates
... ..*For the State*

The victim in her statement recorded under Section 164 of the Criminal Procedure Code claims that she was pulled by the petitioner and an attempt to rape was made after tearing her cloth.

On a query from the Court, learned advocate for the State submits that the wearing apparels of the victim was not seized.

Apparently, the claim of the victim made in the statement recorded under Section 164 of the Criminal Procedure remains uncorroborated at this stage. The victim also refused to undergo any medical examination.

Consequently, 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 once in a month 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) 848 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)