

14.03.2023

16
Ct. No. 29
CHC
Allowed

C.R.M.(A) 1003 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hogalberia** Police Station Case No.**378 of 2022** dated **20.12.2022** under Sections **447/376/325/34** of the Indian Penal Code.

And

In the matter of: Chhuton Mondal @ Chhuten Mondal
..... petitioner

Mr. Karnel Mondal
....for the petitioner

Mr. Saibal Bapuli, Ld. A.P.P.
Mr. Soumik Ganguly
....for the State

The victim refused to undergo medical examination.

The victim claimed in her statement under Section 164 of the Criminal Procedure Code that she was raped by the petitioner.

The victim is an adult.

It is claimed by the petitioner that he was falsely implicated. There was an incident of assault.

In such circumstances, in view of the materials in the case diary and particularly in view of the victim refusing to undergo medical examination in the teeth of her claim of rape, 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 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 fortnight 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)