

**12.05.2023**

*Serial no. 02*

*[Dd]*

*(Anticipatory bail)*

**(Allowed)**

**CRM (A) 1649 of 2023**

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Domkal** Police Station Case No. **219** of **2023** dated **05.04.2023** under Sections **376(2)(f)/506** of the Indian Penal Code.

-And-

**In the matter of : Absar Ali Mondal @ Absar Ali**

**... ..Petitioner**

*Mr. Nilardi Sekhar Ghosh,*

*Mr. Tapadip Gupta,*

*Ms. Sompurna Chatterjee,*

*Mr. Sourav Mondal, Advocates*

*... .. For the Petitioner*

*Mr. Navanil De, Advocate*

*... ..For the State*

Report as called for by the order dated May 2, 2023 filed in Court be taken on record.

It appears that there are large number of pendency with the Magistrates concerned. Apparently, Judicial Magistrate is taking steps for the purpose of distributing the workload amongst the judicial Magistrate available in the District.

So far as the merit of the present case is concerned, the petitioner stands protected till date. There is a statement recorded under Section 164 of the Criminal Procedure Code of the de facto complainant.

Statements of neighbours recorded under Section 161 of the Criminal Procedure Code suggest that the petitioner and the de facto complainant were into an illicit relationship.

Considering the materials in the case diary, gravity of the offence and the involvement of petitioner therein, we deem it appropriate 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) 1649 of 2023 is disposed of.**

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**