

25.04.2023

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Ct. No. 29

**CHC**

Allowed

**C.R.M.(A) 1735 of 2023**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **English Bazar** Police Station Case No. **1469** of **2022** dated **25.09.2022** under Sections **498A/323/325/376/34** of the Indian Penal Code.

And

In the matter of : Bapi Mandal

..... petitioner

Mr. Arup Kumar Bhowmick,  
Md. Santu Mia,  
Ms. Oindrila Ghosh  
....for the petitioner

Mr. Debabrata Chatterjee,  
Mr. Santanu Chatterjee  
....for the State

The principal accused against whom, the allegation of rape was levelled was enlarged on bail by the jurisdictional Court.

The petitioner before us is the husband.

The police complaint was lodged 12 years after marriage.

Apparently, the allegation is that the victim was driven out from her matrimonial home by the petitioner after the victim complained of rape by the principal accused.

Considering the materials in the case diary and considering the fact that the principal accused was enlarged on bail by the jurisdictional Court, 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 meet the Investigating Officer once in a week till the conclusion of 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.

This application for anticipatory bail is, thus, allowed.

**(Debangsu Basak, J.)**

**(Rai Chattopadhyay, J.)**

