

28.04.2023
09
Ct. No. 29
KAUSHIK
Allowed

C.R.M.(A) 1812 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hasnabad** Police Station Case No. **407** of **2022** dated **14.08.2022** under Sections 341/325/376/511 of the Indian Penal Code, 1860.

And

In Re : Soumen Mondal

..... petitioner

Mr. Kallol Kumar Basu
Md. Jannat Ul Firdous
....for the petitioner

Md. Anwar Hossain
Ms. Ratna Ghosh
....for the State

There is a delay in lodgment of the First Information Report of about 27 days from the date of the incident.

The victim recorded her statement under Section 164 of the Code of Criminal Procedure, where she alleges that she was improperly dealt with and her modesty outraged. She also claims that there was an attempt of rape.

There is a medical examination report of the victim. Such medical examination report speaks of scratch marks on her body. However, no injury was found in the manner as she claimed in her 164 Cr.P.C. statement.

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/-, 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 a fortnight 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)