

06.07.2023
tkm/ct 28
sl no. 21

C.R.M. (A) 2665 of 2023

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Junput Coastal P.S case no. 60 of 2023 dated 19.6.2023 under sections 498A/376(2)(n)/323/325/354(B)/379/494/406/506/34 IPC read with section 4 of the DP Act

and

Allowed

In Re : Gouranga Mondal & Ors. petitioners

Mr. S K Das

Ms. Rupsa Sreemani

..... for the petitioners

Ms. Faria Hossain

Ms. Baisali Basu

Ms. Mamta Jana

..... for the State

Petitioners are the in-laws of the victim housewife. It is submitted victim had left the matrimonial home two years ago. There is delay in lodging FIR. They pray for anticipatory bail.

Learned lawyer for the State opposes the prayer for anticipatory bail.

We have considered the materials on record including the statement of the victim lady. As the victim lady was extremely vulnerable and her husband used to work far away, delay in lodging FIR cannot be a ground to disbelieve her accusation. Specific allegation of rape has been made against petitioner no. 4. Hence, we are not inclined to grant anticipatory bail to him.

However, allegations against the other in-laws i.e. petitioner nos. 1, 2, 3, 5, 6, 7 and 8 are general and omnibus in nature. Accordingly, we are inclined to grant anticipatory bail to them.

Accordingly, we direct that in the event of arrest, the petitioner nos. nos. 1, 2, 3, 5, 6, 7 and 8 herein shall be released on

bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like amount each, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973 and that petitioner nos. 1, 2, 3, 5, 6, 7 and 8 herein shall appear before the court below and pray for regular bail within four weeks from date.

The application being CRM 2665 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)