

22.08.2023
(M/L 285)
Ct. No.29
Allowed
(SKB)

CRM (A) 3088 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Murutia P.S. Case No.73 of 2019 dated 18.05.2019 under Sections 376/511/506/34 of the Indian Penal Code pending before the learned ACJM, Tehatta, Nadia.

In the matter of : Ashish Mondal

... Petitioner

Mrs. Karabi Roy

... for the petitioner

Mr. Narayan Prasad Agarwala,
Mr. Pratick Bose

... for the State

1. Heard the learned Counsel for the parties.
2. Considered the materials placed before us including the statement of the victim recorded under Section 164 Cr.P.C. We do not find any substantive allegation therein.
3. The anticipatory bail is opposed by Mr. Agarwala, learned counsel for the State on the ground that the petitioner is absconding for 4½ years. However, it is fairly submitted at the Bar that no proclamation has since been issued and charge-sheet has already been filed.
4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation and completion of investigation, it is directed that the petitioner shall surrender before the learned

ACJM, Tehatta, Nadia in connection with the aforesaid P.S. case within 15 days from today. On his surrender and application for bail, he shall be released on bail by the aforesaid Court on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the condition:

- i) The petitioner shall appear before the trial court on the date of substantive hearing subject to provision of Section 317 Cr.P.C.
5. Accordingly, the prayer for the anticipatory bail is allowed.
 6. The application being CRM(A) 3088 of 2023 is disposed of.
 7. The learned court below is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)