

14.09.2023
tkm/ct 28
spl no. 4

C.R.M. (A) 3683 of 2023

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Nabadwip P.S case no. 73 of 2023 dated 13.2.2023 under sections 498A/448/376/511/506/34 IPC
And

Allowed

In Re : Intaj Mondal petitioner

Mr. K Hasan

..... for the petitioner

Mr. Anwar Hossain

Ms. Sreyashee Biswas

..... for the State

1. Petitioner submits that there was a matrimonial dispute between the de facto complainant and her husband. Petitioner is the brother-in-law of the victim. There is inordinate delay in lodging FIR. He prays for anticipatory bail.

2. Learned lawyer for the State opposes the prayer for anticipatory bail. He submits victim suffered injuries.

3. We have considered the materials on record. De facto complainant alleged on 29.12.2022 petitioner had attempted to rape her. Thereafter co-accused assaulted her. No contemporaneous complaint was lodged. There is delay of about 1½ months in lodging complaint. This needs to be explained during trial.

4. Keeping in mind the aforesaid circumstances and as the injuries are simple, we are inclined to grant anticipatory bail to the petitioner.

5. 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.

6. Petitioner shall appear before the court below and pray for regular bail within four weeks from date.

7. The application being CRM (A) 3883 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)