

08.09.2023

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[Allowed]

C. R. M. (A) 3704 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Karimpur Police Station Case No. 309 of 2022 dated 21.12.2022 under Sections 448/376/511/506 of the Indian Penal Code.

In Re: ***Brajabasi Mondal.***

... ... Petitioner

Mr. Arnab Chatterjee,
Mr. Amanul Islam
Mr. Sourav Mukherjee,
Ms. Dhanasree Biswas,
Ms. Poulami Bose.

... ... for the petitioner

Md. Anwar Hossain,
Mr. Arif Ekbal Molla.

... ... for the State

1. Petitioner submits there are case and counter case between the parties. Allegation of attempt to rape is out and out false. He prays for anticipatory bail.

2. Learned Advocate for the State opposes the prayer for anticipatory bail.

3. We have considered the materials on record. On similar allegation wife of the petitioner had lodged complaint against the husband of the victim. There is delay in lodging the present case. Possibility of false implication owing to prior enmity cannot be ruled out.

4. Hence, we are inclined to grant anticipatory bail to the petitioner subject to conditions.

5. Accordingly, we direct that in the event of arrest, the petitioner viz., Brajabasi Mondal 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and he shall appear before the court below and pray for regular bail within four weeks from date and on further condition petitioner shall meet the Officer-in-charge, Karimpur Police Station once in a week until further orders.

6. The application for anticipatory bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)