

29.11.2023
tkm/ct 28
spl no. 57

C.R.M. (A) 4770 of 2023

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kaliachak P.S case no. 1328 of 2023 dated 5.10.2023 under sections 417/376/109 IPC
And

Allowed

In Re : Sashti Mondal & Ors. petitioners

Mr. M Chatterjee
Mr. Manas Das
Mr. D Majumder

..... for the petitioners

Mr. Anwar Hossain
Ms. Manisha Sharma

..... for the State

1. Heard learned lawyers for the parties.
2. We have considered the materials on record. Victim was a major lady at the time of cohabitation. Allegations of rape and wrongful restraint require to be assessed in the light of the aforesaid fact. Keeping in mind the nature of accusation we are of the opinion though custodial interrogation of the petitioners for progress of investigation is not necessary but petitioner no. 1 requires to co-operate with the investigating agency in accordance with law.
3. Accordingly, we direct that in the event of arrest, the petitioners 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 be subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973. Petitioner no.1 shall meet the investigation officer once in a week until further order.
4. Petitioners shall appear before the court below and pray for regular bail within four weeks from date.
5. The application being CRM (A) 4770 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)