

17.01.2024
Item No.3
Ct. No. 29
CHC
Allowed

C.R.M.(A) 111 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tehatta** Police Station Case No. **959 of 2023** dated **04.12.2023** under Sections **417/376** of the Indian Penal Code, 1860.

And

In the matter of : Hirok Mondal @ Hirak Mondal

..... petitioner

Mr. Arindam Jana,
Mr. Siddhartha Sankar Mandal
....for the petitioner

Mr. Sanjib Kumar Dan
....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. The previous police complaint was lodged against the husband of the de facto complainant by the petitioner involving *inter alia* an attempt to murder the petitioner.

Learned advocate appearing for the State draws the attention of the Court to the materials in the Case Diary.

De facto complainant recorded her statement under Section 164 of the Criminal Procedure Code where she claimed that she was raped by the petitioner.

De facto complainant refused to undergo any medical examination.

Her version of the incident, apparently, is not corroborated by the materials presently available in the Case Diary.

The issue of false implication therefore remains.

Consequently, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), 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 and on further condition that the petitioner will report before the Investigating Officer once in a month till the conclusion of investigation and on condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

CRM(A) 111 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)