

18.01.2024
Item No.9
Ct. No. 29
CHC
Allowed

C.R.M.(A) 132 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. **992** of **2023** dated **15.12.2023** under Sections **448/376/511/506/34** of the Indian Penal Code.
And

In the matter of : Ramesh Mondal & ors.

..... petitioners

Mr. Asraf Mandal

....for the petitioners

Ms. Sayanti Santra

....for the State

Affidavit-of-service filed in Court be taken on record.

None appears for the private opposite party.

Petitioners seek anticipatory bail.

Petitioners lodged a previous complaint against the family members of the de facto complainant. Thereafter, the present police complaint was lodged with a delay of about 31 days from the date of the alleged incident.

The de facto complainant recorded her statement under Section 164 of the Criminal Procedure Code where she speaks of an attempt of rape.

Her statement apparently is not corroborated by any other materials in the Case Diary at the present stage.

Issue of false implication of the petitioners remains.

In such circumstances, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) 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 and on further condition that the petitioners will report before the Investigating Officer once in a fortnight till the conclusion of investigation and on condition that the petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

CRM(A) 132 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)