

19.02.2024

Serial no. 14

Anticipatory bail

[Allowed]

Dd

CRM (A) 520 of 2024

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Deganga** Police Station Case No. **671** of **2023** dated **29.12.2023** under Sections **448/376/511/506** of the Indian Penal Code, 1860. (G.R. Case No. 3182/2023)*

-And-

*In the matter of : **Arif Mondal alias Arip Mondal**
... .. **Petitioner***

*Mr. Angshuman Chakraborty,
Ms. S. S. Saha, Advocates
... .. For the Petitioner*

*Mr. Saryati Dutta, Advocate
... ..For the State*

*Mr. Younush Mondal,
Mr. Pronojit Roy, Advocates
... ..For the de facto complainant*

Affidavit of service filed in Court be taken on record.
None appears for the victim.

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated. He points out that the complaint was lodged with the delay of 7 days.

Learned advocate for the State draws the attention of the Court to the materials in the case diary including the statement of the victim recorded under Section 164 of the Criminal Procedure Code.

Learned advocate for the de facto complainant submits that the petitioner threatened the de facto complainant and that, there is a police complaint with regard thereto.

In reply to the query of the Court as to where and when the threat was meted out, learned advocate for the de facto

complainant submits that threat was meted out on the road but was unable to specify the time.

Victim did not undergo any medical examination.

Claim of the victim is one attempt of rape. Corroborative materials were not available in the case diary at the present moment.

In such circumstances, 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 shall report before the Investigating Officer once in a month till the conclusion of the investigation and on further 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.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 520 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

