

19.02.2024
27
Ct. No. 29
S.D.
Allowed

C.R.M.(A) 533 of 2024

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Matia** Police Station Case No. **140 of 2023** dated **27.03.2023** under Sections **498A/323/325/376/511/406/506/34** of the Indian Penal Code.

And

In Re : **Dobir Mondal @ Dobi Mondal**

..... petitioner

Mr. Shataroop Purkayastha
Ms. Jagriti Bhattacharya
...for the petitioner

Mr. Apurba Kumar Datta
...for the State

Affidavit of service filed in Court be taken on record.

None appears on behalf of the defacto-complainant despite service.

There is some amount of discrepancies between the statement of the victim recorded under Section 161 and 164 of the Cr.P.C.

Petitioner before us is the brother-in-law of the victim.

Allegation as against him in the police complaint is one of attempt to rape and in the Section 161 of rape.

Injury report of the victim does not corroborate such claim of sexual assault.

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/-, 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. The petitioner will report before the Investigating Officer once a fortnight till the conclusion of the investigation. 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.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)