

22.04.2024
Item No.400
Ct. No. 29
CHC
Allowed

C.R.M.(A) 807 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hogalberia** Police Station Case No. **29** of **2024** dated **21.02.2024** under Sections **448/376/509** of the Indian Penal Code, pending before the Learned Additional Chief Judicial Magistrate, Tehatta, Nadia.

And

In the matter of : Azizul Mondal @ Ajijul Mondal

..... petitioner

Mr. Asraf Mandal

....for the petitioner

Mr. Suman De

....for the State

Mr. Kaushik Choudhury,

Ms. Busra Khatun

...for the de facto complainant

Report as called for by the order dated March 27, 2024 filed in Court be taken on record.

Petitioner, State and the de facto complainant are represented.

Victim recorded her statement under Section 164 of the Criminal Procedure Code, where she claims that there was an attempt to rape her.

Victim refused to undergo medical examination.

There is a delay of about 20 days in lodging the police complaint. Apparently, the de facto complainant approached the jurisdictional Court under Section 156(3) of the Criminal Procedure Code and thereafter, the police complaint was lodged.

Possibility of false implication exists.

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 will report before the Investigating Officer once in a week 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) 807 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)