

01.05.2024

Item No.18

Ct. No. 29

CHC

Allowed

C.R.M.(A) 1551 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Ashokenagar** Police Station Case No. **683/2023** dated **03.10.2023** under Sections **363/365** of the Indian Penal Code, 1860.

And

In the matter of : Mijanur Mondal

..... petitioner

Mr. K. C. Saha,
Mr. Sourin Patra

....for the petitioner

Mr. Sandip Chakraborty,
Mr. Karan Bapuli

....for the State

Ms. Sanjukta Samanta

....for the de facto complainant

Petitioner prays for anticipatory bail.

Petitioner, State and the de facto complainant are represented.

Apparently, the victim is a minor, was abducted on October 3, 2023. She was recovered on the same day. Police case was registered. She was produced for medical examination when her mother refused medical examination.

Thereafter, a writ petition was filed at the instance of the mother of the victim being W.P.A. 25924 of 2023 in which an

order dated December 19, 2023 was passed directing change in personnel of the Investigating Officer.

Leave was granted to victim to record a further statement under Section 164 of the Criminal Procedure Code, where she claims that, she was abducted by the petitioner and that, she was raped.

The allegations remain largely uncorroborated at this stage.

Benefit of doubt should be given to the accused in view of the materials in the Case Diary. There are apparent discrepancies between the two statements under Section 164 of the Criminal Procedure Code.

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) 1551 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)