

02.05.2024

Item No.14

Ct. No. 29

CHC

Allowed

C.R.M.(A) 1569 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Krishnagar Women** Police Station Case No. **19** of **2024** dated **12.03.2024** under Sections **325/376/448/506/509** of the Indian Penal Code, pending before the Learned Additional Chief Judicial Magistrate, Krishnagar, Nadia.

And

In the matter of : Mehebab Mollah alias Titu

..... petitioner

Mr. Angshuman Chakraborty

....for the petitioner

Mr. Imran Ali,

Mr. Samarjit Balial

....for the State

Ms. Papiya Chattopadhyay

....for the de facto complainant

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was a tenant under the de facto complainant. There was an alleged incident of May 2, 2023. The police complaint was lodged on March 12, 2024.

Learned advocate for the State draws the attention of the Court to the materials in the Case Diary including the statement of the de facto complainant recorded under Section 164 of the Criminal Procedure Code. He submits that, de facto complainant refused to undergo medical examination.

Learned advocate for the de facto complainant submits that, there were two incidents of rape. With regard to first incident, the de facto complainant kept quiet due to family

honour. So far as the second incident is concerned, the de facto complainant lodged the police complaint. According to her, there are obscene video and photograph available with the petitioner with which the petitioner is threatening the de facto complainant.

We perused the materials in the Case Diary including the statement of the de facto complainant recorded under Section 164 of the Criminal Procedure Code.

In such statement, the de facto complainant claims that she was raped by the petitioner. She speaks of two incidents, namely, May 2, 2023 and March 6, 2024. So far as the last incident of March 6, 2024 is concerned, she does not however, specify the time when the incident happened.

De facto complainant refused to undergo medical examination.

There was a relationship of landlord and tenant between the de facto complainant and the petitioner. Although, it is now stated that petitioner is no longer a tenant under the de facto complainant.

Be that as it may, the allegations made by the de facto complainant remains largely uncorroborated as on date as appearing from the materials in the Case Diary.

There is also an issue of delay in lodging the First Information Report.

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) 1569 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)