

20.06.2024
SL No.24
Court No.29
(gc)
(Allowed)

CRM (A) 1929 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Saktipur Police Station Case No.293 of 2023 dated 19.12.2023 under Sections 498A/354A/304B/306/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, 1968.

And

In the matter of : **Somnath Mondal**

- Petitioner.

Mr. Somnath Adhikary
....For the Petitioner.

Mr. Saibal Bapuli, Ld. A.P.P.,
Md. M.F.A. Begg
... For the State.

1. The affidavit-of-service filed in Court is taken on record.
2. The learned Counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated. He was a Major in the Indian Army presently posted at Jammu & Kashmir.
3. In spite of service, the de facto complainant is not represented.
4. The learned Counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of the neighbours where allegation of inappropriate touch and indecent proposal were reported to them by the de facto complainant.
5. Considering the materials available in the case diary, the nature of involvement of the petitioner in the commission of the alleged offence, the statement of the neighbours are required to be assessed at the appropriate stage of the trial and also having

regard to the fact that the charge-sheet has already been filed and other co-accused persons were enlarged on bail by the jurisdictional Court, we are of the view that the petitioner is entitled to anticipatory bail.

6. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Somnath Mondal**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 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.
7. Accordingly, the application for anticipatory bail is disposed of.
8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)