

05.07.2024
Court No.29
Item No. 40

Allowed

sg

CRM (A) 2162 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Berhampore Police Station Case No. 13 of 2024 dated 02.01.2024 under Sections 376/506/120B of the Indian Penal Code, pending before the learned Chief Judicial Magistrate at Berhampore, Murshidabad.

And

In Re: **Supriya Kumar Mondal & Anr.**
Petitioner

Mr. Milon Mukherjee, Sr. Adv.
Ms. Dhanasree Biswas
Ms. Poulami Bose

For the Petitioner

Mr. Sujoy sarkar

For the State

Mr. Kiron Sk
Mr. Subhrajit Saha

For the respondent no.2

1. Mr. Milon Mukherjee, learned Senior Counsel appearing on behalf of the petitioners submits that the petitioners are innocent and they have been falsely implicated. It is further submitted that in the medical examination report, the victim has not specifically stated that there has been any violation on the person of the victim by the present petitioners.
2. The learned Counsel for the State, in opposing the prayer for anticipatory bail, has referred to two medical reports; one conducted prior to the recording of the statement of the victim under Section 164 of the Cr.P.C and another conducted after recording of the statement of the victim under the same provision.

3. The learned Counsel for the de-facto complainant has referred to statement of the victim recorded under Section 164 of the Code of Criminal Procedure and opposed the prayer for anticipatory bail.
4. Considering the materials available in the case diary, nature and extent of complicity of the petitioners in the commission of alleged offence, the medical reports and having regard to the statement made by the victim before the Medical Officer in the second medical report that she was violated on the person by some unknown person, we are inclined to grant anticipatory bail to the present petitioners.
5. Accordingly, we direct that in the event of arrest the petitioners namely, **Supriya Kumar Mondal and Sourav Banik**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and the petitioners shall cooperate with the investigation. The petitioners shall meet the I.O. once in a week till the submission of final report. The petitioners shall appear before the learned Chief Judicial Magistrate at Berhampore, Murshidabad, in connection with G.R. Case No. 37 of 2024 within two weeks from date.
6. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
7. CRM (A) 2162 of 2024 is, thus, disposed of.
8. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)