

05.01.2024
Item No.45
Ct. No. 29
CHC
Allowed

C.R.M.(A) 5757 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Plashipara** Police Station Case No. **389/2023** dated **07.12.2023** under Sections **417/376(n)/506** of the Indian Penal Code, 1860.
And

In the matter of : Bapi Mondal

..... petitioner

Ms. Minoti Gomes,
Mr. Amanul Islam,
Mr. Sourav Mukherjee,
Ms. Dona Sanyal
....for the petitioner

Mr. Joydeep Roy, Ld. Jr. Govt. Adv.
Mr. N. Dhali
....for the State

Mr. Abdul Aziz Mondal
...for the de facto complainant

Petitioner prays for anticipatory bail.

Petitioner, State and the de facto complainant are represented.

The de facto complainant recorded her statement under Section 164 of the Criminal Procedure Code where she acknowledges that there was a relationship between her and the petitioner. De facto complainant refused to undergo medical examination.

Both the petitioner and the de facto complainant are adults.

It is submitted on behalf of the de facto complainant that, petitioner is a police personnel.

The materials in the Case Diary do not suggest that, the petitioner utilized his official capacity in order to enter into the relationship.

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 fortnight 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) 5757 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)