

***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

26.08.2019.
28.
as
(Partly
Allowed).

C.R.M. 667 of 2019

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 07.08.2019 in connection with New Jalpaiguri P. S. Case No.339 of 2019 dated 29.04.2019 under Sections 366/376/511/34 of the Indian Penal Code.

In the matter of : Mukter Ali & Anr.

... Petitioners.

Mr. Dipankar Deb.

...for the Petitioners.

Mr. Arun Kumar Sarkar,
Mr. Abhijit Sarkar.

.....for the State.

Heard the learned Advocates appearing for the parties.

Having considered the materials on record prima facie disclosing involvement of the petitioner No.2 in administering deleterious substance to the victim and thereafter attempting to rape her and in view of the gravity of the offence, this is not a fit case to grant anticipatory bail to the petitioner no.2.

Accordingly, the prayer for anticipatory bail of the petitioner no. 2 is rejected.

However, keeping in mind the extent of complicity of the petitioner no.1 in the alleged crime, we are inclined in granting anticipatory bail to the petitioner no.1.

Accordingly, we direct that in the event of arrest the petitioner no.1, viz., Mukter Ali shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner No.1 shall appear before the trial court and pray for regular bail within four weeks from date.

This application for anticipatory bail is, thus, disposed of.

(Manojit Mandal,J.)

(Joymalya Bagchi, J.)