

C.R.M. 10568 of 2020

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Islampur P.S. Case No.82 of 2020 dated 29.01.2020 under Sections 498A/323/354/376/511/34 of the IPC.

In the matter of : Rafikul Biswas @ Rofikul Islam & anr.
... Petitioners.

Ms. Karabi Roy
...for the Petitioners.

Mr. N.P.Agarwal
Mr. Ashok Das
.....for the State.

It is submitted on behalf of the petitioners that there was a dispute between the parties over the custody of a minor child.

Learned lawyer for the State opposes the prayer for anticipatory bail.

Allegation of attempt to rape requires to be assessed in the light of the pre-existing enmity between the parties as aforesaid. In view of such fact, we are of the opinion that custodial interrogation of the petitioners is not necessary and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioners be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each, 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.

The application for anticipatory bail is, accordingly, disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J)

