

06.08.2021
Item no.46.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 2315 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 1.3.2021 in connection with Barabazar Police Station Case No.129 of 2020 Dated 20.11.2020 under Sections 448/376/511/323/506 of the Indian Penal Code

And

In the matter of : Nabakishore Mahato

.....Petitioner.

Mr. Abhra Mukherjee,
Mr. Sauradeep Duttafor the Petitioner.

Mr. Tanmoy Kr. Ghosh,
Mr. Arindam Senfor the State.

The charge is of attempted rape. The petitioner is the neighbour of the victim lady.

The prosecution case is that the victim lady was sleeping alone on the verandah of her house and her husband was sleeping in the bedroom. The petitioner came to the verandah and tried to commit rape on her.

We have seen the material in the case diary and the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. In such statement, the victim has stated that she was sleeping on the floor of the bedroom and her husband was sleeping on the bed.

We have considered the facts and circumstances of the case and the material on record. Given the nature and gravity of the allegation and the material on record, we are of the view that the petitioner may be granted anticipatory bail so long as he cooperates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. No.2315 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)

