

13.12.2021

Serial no. 129

Dd

(Through Video Conference)

CRM 5176 of 2021

In re : An Application for **anticipatory bail** under Section **438** of the Code of Criminal Procedure in connection with **Goghat** Police Station Case No. **188** of **2021** dated **28.07.2021** under Sections **376/511/34** of the Indian Penal Code

-And-

In the matter of : **Tapas Tudu & Ors.**

... Petitioners

Mr. Suman Chakraborty, Advocate

... .. For the Petitioners

Mr. Partha Pratim Das,

Mrs. Manasi Roy, Advocates

... ..For the State

It is contended on behalf of the petitioners that petitioner no. 1 had lodged an earlier case against the de facto complainant and her family members. As a counter-blast, present case has been registered.

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

We have considered the materials on record. Allegation of attempt to rape is to be assessed in light of the aforesaid submission made on behalf of the petitioners. False implication of the petitioners out of prior enmity cannot be wholly ruled out.

In the light of the aforesaid fact, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall 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 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 petitioners shall appear before the Court below and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, **allowed**.

(Joymalya Bagchi, J.)

(Bivas Pattanayak, J.)