

16.12.2021
tkm/ct 28
sl no. 88

C.R.M. 6487 of 2021

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Domkal P.S case no. 361 of 2021 dated 25.6.2021 under sections 448/376 of the IPC
And

Allowed

In Re : Kalam Molla @ Abu Kalam Molla petitioner

Mr. Anisur Rahaman

..... for the petitioner

Mr. Arijit Ganguly

Mr. S K Dan

..... for the State

It is submitted on behalf of the petitioner that case and counter-case was registered between the parties. Wife of the petitioner had lodged criminal case against the husband of the de facto complainant. In retaliation, the present case has been registered.

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

Credibility of the allegation of forcible rape may be assessed in the light of the aforesaid submission with regard to pre-existing enmity and registration of case and counter-case between them on the self-same day. Possibility of false implication on such score cannot be wholly ruled out.

Under such circumstances, we are inclined to 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/- 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.

Petitioner shall appear before the court below and pray for regular bail within four weeks from date.

The application being CRM 6487 of 2021 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)