

21.12.2021.

86.

as

(Allowed).

C.R.M. 8538 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Murutia P. S. Case No.118 of 2021 dated 10.06.2021 under Sections 448/376/509 of the Indian Penal Code.

In the matter of : Safiul Sk. @ Babu @ Sahiful Sk.
... Petitioner.

Mr. Asraf Mandal
...for the Petitioner.

Mr. Sudip Kymar.
.....for the State.

Heard the learned Advocates appearing for the parties.

It is submitted on behalf of the petitioner that the sister-in-law of the petitioner had lodged a criminal case against the family members of the victim lady. In retaliation, the instant case was registered. There is considerable delay in lodging First Information Report.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. Allegation of forcible rape may be assessed in the light of pre-existing enmity as well as delay in lodging first information report.

Under such circumstances and keeping in mind the extent of complicity of the petitioner in the alleged crime, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 .

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

(Bivas Pattanayak,J.)

(Joymalya Bagchi, J.)