

SL. 15
March 25, 2021.
AKG

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

C.R.M. 346 of 2021

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on March 11, 2021 in connection with Pundibari Police Station Case No. 88 of 2021 dated February 20, 2021 under sections 457/376/511/34 of the Indian Penal Code, 1860

And

Allowed

In Re : Ajit Karjee & Anr.

... petitioners.

Mr. Hillol Saha Podder

... for the petitioners.

Mr. Tapan Bhattacharjee,
Mr. Biswarup Roy.

... for the State.

Learned counsel for the petitioner submits that the complaint was lodged quite some time after the alleged offence and is a result of enmity between the families of the victim and the petitioner.

It is submitted that the nature of allegations in the complaint and the statement under Section 164 of the Code of Criminal Procedure indicates that there was an attempt of rape.

Learned counsel for the State opposes the prayer for anticipatory bail and places reliance on the statements made under Section 164 of the Code of Criminal Procedure and the nature of the complaint. Counsel argues that it is not a fit case for grant of anticipatory bail.

However, keeping in view the nature of the allegations and the statements made, we are of the opinion that the petitioners ought to be granted anticipatory bail.

Accordingly, CRM 346 of 2021 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioners comply with the provisions of Section 438 (2) of the Code of Criminal Procedure. The petitioners shall also meet the Investigating Officer once in a fortnight.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer.

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda, J.)