

22.09.2021
Court No.01
K.Mitra / 17

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

C.R.M. 391 of 2021

In Re:- An application for anticipatory bail under section 438
of the Code of Criminal Procedure;

And

In Re : **Minhajul Hakim @ Mirajul Rahaman**
- Petitioner.

Mr. Hillal Saha Podder
... For the Petitioner.

Mr. Ujjwal Luksom
Ms. Namrata Das
... For the State.

Apprehending arrest in connection with Tufanganj Police Station
Case No.55 of 2021 dated 15.02.2021 under Section 376 of the Indian
Penal Code, 1860, the petitioner has filed the present application.

The learned advocate appearing for the petitioner submits that
the petitioner has been falsely implicated. The ingredients of section
376 of the Indian Penal Code are not satisfied. In view thereof,
custodial interrogation of the petitioner is not necessary.

The learned advocate appearing for the State opposes the
petitioner's prayer and draws our attention to several documents in
the case diary, including the medical report.

We have heard the learned advocates appearing for the
respective parties and considered the materials in the case diary.

Prima facie, the medical report does not support the case of the
prosecution. Considering the nature of accusations and the extent of
complicity of the petitioner in the alleged offence, we are of the opinion
that custodial interrogation of the petitioner is not warranted in the
facts and circumstances of the case.

Accordingly, we allow this application and direct that in the event of arrest, the petitioner, namely, **Minhajul Hakim @ Mirajul Rahaman**, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

With the above observations, the application for anticipatory bail, being CRM 391 of 2021 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Abhijit Gangopadhyay, J.) (Tapabrata Chakraborty, J.)