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18-08-2021
(ct. no.32)
KOLE
Allowed

In the Circuit Bench At Jalpaiguri
(Via Video Conference)
CRM 792 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Malbazar Police Station** Case No. **206 of 2020** dated **26.05.2020** under Sections **341/354/325/376/511** of the Indian Penal Code.

- A n d -

In the matter of : Anan Toppo @ Aman Toppo

.... Petitioner.

Mr. Debajit Kundu,

... For the Petitioner.

Mr. Niloy Chakraborty,
Mr. B. Roy,

... For the State.

The petitioner undertakes to affirm and stamp the petition as per Rules within a week from the date of passing of this order. Subject to such undertaking, the application is taken up for hearing through video-conference.

The allegation against the petitioner is under Sections 341/354/325/376/511 of the Indian Penal Code. It is submitted that the petitioner and the defacto complainant are neighbours and there was a previous dispute between them which prompted the petitioner to lodge a complaint against the relative of the defacto complainant. The present complaint is a counter blast.

The State opposes the prayer for anticipatory bail and refers to statements of witnesses recorded under Section 161 of the Code as well as the injury report of the victim

which prima facie does not support the allegation of sexual assault.

We have considered the material in the case diary. The injuries do not appear to be grievous or significant. Having considered the material in the case diary, the nature of allegations against the petitioner and the extent of complicity of the petitioner in the alleged crime, we are inclined to hold that he may be granted anticipatory bail.

Accordingly, 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, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438 (2) of the Code of Criminal Procedure until further orders.

In the event the petitioner fails to adhere to any of the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 792 of 2021 is, thus, allowed.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)