

01.09.2021
Item no.27
Court No.32.
S.De
(allowed)

In the High Court at Calcutta

Circuit Bench at Jalpaiguri

(Via Video Conference)

CRM No. 881 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 19.08.2021 in connection with Mal Bazar Police Station Case No. 419 of 2021 dated 03.08.2021 under Sections 448/427/379/307/376/511/506 and 34 of the Indian Penal Code.

And

In the matter of : Safikul Alam & Anr.

.....Petitioners.

Ms. Suman Sehanabis, Advocate,
Mr. Tapabrata Ghosh, Advocate,
.....for the Petitioners.

Mr. Sourav Gangully, Advocate,
.....for the State.

The petitioners say that they have been framed. There are long standing property disputes between the family members of the petitioners and the victim lady. The victim lady has been making all sorts of allegations against the petitioners for the last fourteen years. However, no action was even taken against the petitioners. Only recently i.e. on August 5, 2021 an application has been filed by the complainant under Section 156(3) of the Code of Criminal Procedure.

We have seen the material in the case diary including the Medical Report. There is nothing significant in such report. It only speaks of body ache. The allegation of attempt to rape the victim is also prima facie not supported by the statements of witnesses which are on record.

On an overall assessment of the material on record and the gravity and nature of the alleged offence as also the possible extent of complicity of the petitioners in the alleged offence, we are of the view that immediate custodial interrogation of the petitioners may not be necessary so long as they co-operate with the investigating officer.

Accordingly, in the event of arrest, the petitioners 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 and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 881 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)