

30.09.2022

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Aloke

C.R.M. (A) No. 4691 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Dhubulia Police Station Case No. 336 of 2022 dated 27.08.2022 under Sections 448/376/511/506 of the Indian Penal Code.

And

In Re : **Julfikar Gayen @ Julfikar Ali Gayen**

..... petitioner

Ms. Minoti Gomes
Mr. Sourav Mukherjee

.....for the petitioner

Mr. Sudip Kumar

....for the State

Learned Counsel appearing for the petitioner submits that there is a delay in lodging the first information report.

Learned Counsel for the State opposes the prayer for anticipatory bail.

We have considered the materials on record.

Credibility of the allegation of attempt to rape the victim requires to be assessed in the light of the delay in lodging the first information report.

Under such circumstances, 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/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 on condition

that the petitioner shall appear before the court below and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)