

07.01.2022
Item no.15.
Court No.1.
S. De
(Allowed)

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI
(Via Video Conference)**

CRM (A) No. 10 of 2022

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Mekhliganj Police Station Case No.169 of 2021 Dated 11.06.2021 under Sections 448/376/511 of the Indian Penal Code.

And

In the matter of: Hiren Barman.

.....Petitioner.

Ms. Jeenia Rudrafor the Petitioner.

Mr. Ujjal Luksom
Mr. Tapan Bhattacharjee,for the State.

The allegation against the petitioner is that he surreptitiously entered the room of the defacto complainant/victim who is his neighbour and attempted to rape her.

The petitioner says that the allegations is completely false. He is innocent. In any event, he is prepared to co-operative with the Investigating Officer fully.

We have seen the material in the case diary including the victim's statement recorded under Section 164 of the Code of Criminal Procedure. Nothing significant comes out of it. She refused to undergo medical examination.

The State strenuously opposes the prayer for anticipatory bail.

On an overall assessment of the material on record and the nature and gravity of the allegations made against the petitioner, we are of the view that immediate custodial interrogation of the petitioner may not be necessary so long as he co-operates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, namely Hiren Barman 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 and on further condition that he shall report to the Investigating Officer once in a fortnight until completion of investigation.

In case the petitioner fails 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 is, thus, allowed.

C.R.M. (A) 10 of 2022 is disposed of.

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

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)