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10-01-2022
(ct. no.1)
KOLE

Circuit Bench of Calcutta High Court at Jalpaiguri
CRM (A) 18 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.167 of 2020 dated 14-06-2020 under Sections 376/109 of the Indian Penal Code.

- A n d -

In the matter of : Dulal Md. @ Rahaman

.... Petitioner.

Mr. P.P. Sarkar,

... For the Petitioner.

Mr. U. Luksom,
Mr. S. Chatterjee

... For the State.

The petitioner says that he has been framed. He is in no way connected with the alleged incident of the victim being raped.

The State opposes the prayer for anticipatory bail. The State says that charge-sheet has been submitted under Section 376D of the Indian Penal Code, i.e., for gang rape.

We have seen the material in the case diary including the statement of the victim lady who was about 40 years of age at the time of the incident. Prima facie, it appears that there are bald allegations and no specific allegation that this petitioner raped her. Charge sheet has been submitted.

On an overall assessment of the facts and circumstances of the case and the material on record as also the possible extent of complicity of the petitioner in the alleged offence, we are inclined to

allow the petitioner's prayer for anticipatory bail so long as he cooperates with further investigation, if any.

Accordingly, in the event of arrest, the petitioner, namely, **Dulal Md. @ Rahaman**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall meet the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The petitioner shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

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 of this Court.

The application for anticipatory bail being CRM (A) 18 of 2022 is, thus, **allowed**.

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

(**Aniruddha Roy, J.)**

(**Arijit Banerjee, J.)**