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10-01-2022
(ct. no.1)
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Circuit Bench of Calcutta High Court at Jalpaiguri
CRM 370 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nagrakata** Police Station Case No. **108** of **2020** dated **27.10.2020** under Sections **448/376/511** of the Indian Penal Code.

- A n d -

In the matter of : Md. Kalam @ Kalam Maiyan

.... Petitioner.

Mr. Sudip Guha,

... For the Petitioner.

Mr. T. Bhattacharjee,
Mrs. N. Das,

... For the State.

The allegation is that the petitioner, taking advantage of the absence of the victim lady's husband in the house, trespassed into the house and attempted to rape the lady.

The petitioner says that the complaint is absolutely false. There is a dispute between the victim's husband and the petitioner. The petitioner did some work for the victim's husband but the victim's husband has not paid the petitioner's charges. This gave rise to a dispute. Accordingly a false complaint has been filed.

We have seen the statement of the victim lady recorded under Section 164 of the Code of Criminal Procedure. We have also seen the medical report which reveals nothing. There is no external injury or no sign of violence having been meted out to the victim.

The State opposes the prayer for anticipatory bail.

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

Accordingly, in the event of arrest, the petitioner, namely, **Md. Kalam @ Kalam Maiyan**, 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 Investigating Officer 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 370 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.

(**Aniruddha Roy, J.)**

(**Arijit Banerjee, J.)**