

**CALCUTTA HIGH COURT  
IN THE CIRCUIT BENCH AT JALPAIGURI  
CRIMINAL APPELLATE JURISDICTION**

05.09.2022  
Sl. No. 10  
k.b. /b.r.  
Crt.1  
granted

**CRM(A) 384 of 2022**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Tufanganj P.S. Case No. 621 of 2019 dated 15.10.2019 under Sections 493/376 of the Indian Penal Code corresponding with G.R. Case No. 873 of 2019.

And

In the matter of: **Ramkrishna Sarkar @ Rampada**

....Petitioner.

Mr. Hillol Saha Poddar

...for the Petitioner.

Mr. Ujjal Luksom  
Mr. Biwarup Roy

.....for the State.

This is an application under Section 438 of the Code of Criminal Procedure for grant of Anticipatory Bail in connection with Tufanganj P.S. Case No. 621 of 2019 dated 15.10.2019 under Sections 493/376 of the Indian Penal Code corresponding with G.R. Case No. 873 of 2019.

Learned Counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case and he has not played any role for committing the alleged offence and there is no allegation against the petitioner for the alleged offence under Section 376 of the IPC.

Perused the Case Diary and it reveals that only the petitioner is an accomplice and there is no allegation against the accused for the alleged offence under Section 376 of the IPC.

It is found that investigation has been completed and charge-sheet has been filed.

Learned Counsel for the State submits that the petitioner has participated in the alleged offence and he is the co-accused as per charge-sheet submitted by the police and there are sufficient materials against the accused person.

We have perused the case diary and the materials on record. It is found that the accused is only accomplished and the main accused has to be found and committed the alleged offence under Section 376 IPC.

We find that the investigation has been completed and the custodial interrogation of the petitioner is not at all required for the alleged offence.

In view of the above the petitioner is granted anticipatory bail.

The petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) with a local surety of like amount, to the satisfaction of the Ld. ACJM, Tufanganj subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall not intimidate the witnesses nor shall hamper or tamper with the evidence.

The petitioner shall not leave the jurisdiction of the Tufanganj Police Station without the prior permission of the Learned A.C.J.M. Tufanganj and shall appear before the Court below on each and every date of hearing.

CRM (A) 384 of 2022 is disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

**( Krishna Rao J.)**

**(Subrata Talukdar, J.)**