

17.08.2023
tkm/ct 28
spl no. 24

C.R.M. (A) 3588 of 2023

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Tehatta P.S case no. 455 of 2023 dated 7.6.2023 under sections 448/376/511/506/34 IPC
And

Allowed

In Re : Pabitra Sarkar petitioner

Mr. Arnab Chatterjee
Mr. Amanul Islam
Mr. Sourav Mukherjee
Mr. D Biswas
Ms P Bose

..... for the petitioner

Md. Anwar Hossain
Ms. Benajir Hasna

..... for the State

1. It is submitted on behalf of the petitioner that his wife had lodged a criminal case against the husband of the de facto complainant. In retaliation, he has been falsely implicated. He prays for anticipatory bail.
2. Learned lawyer for the State opposes the prayer for anticipatory bail.
3. We have considered the materials on record. Allegation of attempt to rape requires to be assessed in the light of prior enmity between the parties.
4. Keeping in mind the aforesaid fact, we are inclined to grant anticipatory bail to the petitioner.
5. Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- 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.

6. Petitioner shall appear before the court below and pray for regular bail within four weeks from date.

7. The application being CRM (A) 3588 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)