

AD-214
Ct No.01
Jalpaiguri
07.02.2023
TN

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (A) 24 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 04.01.2023 in connection with Malbazar Police Station Case No. 964 of 2022 dated 20.12.2022 under Sections 376/417/323/34 IPC.

And

In the matter of: Alimul Haque

.... petitioner

Mr. Debajit Kundu

... for the petitioner

Mr. Niloy Chakraborty,
Mr. Kallol Nag

... for the State

It transpires upon hearing learned counsel for the parties that despite the opposition of the State to the grant of anticipatory bail, the statement under Section 164 of the Code of Criminal Procedure clearly reflects that the allegations levelled against the petitioner were not substantiated even *prima facie*.

Moreover, the victim lady, who is a married person, stated that she was apparently under the impression that she would marry the petitioner, which is not credible in the circumstances.

As such, we are inclined to grant anticipatory bail.

Accordingly, CRM (A) 24 of 2023 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner shall comply with the conditions in Section 438(2) of the Code of Criminal Procedure.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.2,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri.

The petitioner shall not leave the territorial jurisdiction of the trial court and present himself on each date of trial during the period of trial.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)