

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri**

01.03.2023.
39.
as
(Allowed).

C.R.M. (A) 162 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Tufanganj P. S. Case No.847 of 2022 dated 08.10.2022 under Sections 341/323/325/379/376/511/109 of the Indian Penal Code.

In the matter of : Osman Gani Mia @ Miya Ochhman Gani.
... Petitioner.

Mr. Hillol Saha Podder,
...for the Petitioner.

Mr. Abhijit Sarkar,
Mr. Chattu Roy.
.....for the State.

Petitioner submits there is a dispute between two families. He has been falsely implicated.

Learned Advocate for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. Allegation of attempt to rape is required to be assessed in the light of aforesaid submission during trial.

In view of the aforesaid circumstances, we are of the opinion custodial interrogation of the petitioner for progress of investigation is not necessary but movement of the petitioner requires to be restricted to instil confidence in the mind of the victim and other witnesses.

Accordingly, we direct that in the event of arrest the petitioner viz., Osman Gani Mia @ Miya Ochhman Gani 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall appear before the trial court and pray for regular bail within a period of four weeks from date and on further condition that the petitioner while on bail shall not enter the jurisdiction of Tufanganj Police Station and shall provide the address where he shall reside to the Investigating Officer as well as the court below and report to the Officer-in-charge of the concerned Police Station within whose jurisdiction he shall reside once in a week until further orders.

This application for anticipatory bail is, thus, disposed of.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)