

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

09.03.2023.
23/tkm

C.R.M. (A) 177 of 2023

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Alipurduar Women P.S case no. 33 of 2022 dated 23.3.2022 under sections 376/511 IPC
and

Allowed In Re : Mongla Kisku @ Manmohan Kisku ... petitioner

Mr. Arijit Ghosh

..... for the petitioner

Mr. A S Chakraborty

Mr. Kallol Acharjee

Mr. K Nag

..... for the State

We have considered the materials on record. Allegation of attempt to rape requires to be assessed in the light of the submission that there was a free fight between the parties. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.

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 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973.

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

The application being CRM (A) 177 of 2023 is disposed of.

(Subhendu Samanta,J.)

(Joymalya Bagchi, J.)