

46. 07.07.2023  
Court  
No.1 Tanmoy Ghosh

Allowed

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

**CRM (A) 501 of 2023**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973, in connection with **Tufanganj Police Station Case No. 350 of 2023** dated **19/05/2023** under Sections **448/376/506** of the Indian Penal Code, 1860.

And

In the matter of: - **Ruhul Haq @ Lutfar Ali**

...petitioner.

Mr. Hillol Saha Podder, Adv.,  
Ms. Mousumi Das, Adv.

...for the petitioner.

Mr. Tapan Bhattachrjee, Adv.,  
Mr. Chattu Roy, Adv.

...for the State.

Heard learned Advocate for the petitioner as well as learned Advocate for the State at length.

At the very outset, learned Advocate for the petitioner draws attention of this Court to page 9 and page 11 of the instant petition. It is contended that on account of village rivalry, the present accused/petitioner has been falsely implicated and there are case and counter-case in respect of similar offence.

Learned Advocate for the State, however, opposes the prayer for anticipatory bail. He draws our attention to the

statement of the victim recorded under Section 164 of the Code of Criminal Procedure, 1973.

We have meticulously perused the entire material in the case diary as well as the annexures appended to the instant application for anticipatory bail. It appears that the written complaints are practically similar in nature. It also appears that the victim of the present case refused medical examination.

Considering the entire scenario and keeping in mind that in a village dispute the chance of exaggeration and false implication cannot be ruled out, we are inclined to take a lenient approach in favour of the petitioner.

Accordingly, in the event of arrest, the petitioner, namely, **Ruhul Haq @ Lutfar Ali**, shall be released on bail upon furnishing a bond of Rs.10,000/- with two registered sureties of like amount each, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, until further orders and on further condition that the petitioner shall meet the Investigating Officer of this case as and when called for and shall not leave the territorial jurisdiction of the learned Additional Chief Judicial Magistrate, Tufanganj unless permitted by the said Court till submission in Final Form.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned

Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM (A) 501 of 2023 is thus allowed and disposed of.

**(Arijit Banerjee, J.)**

**(Partha Sarathi Sen, J.)**