

14.09.2023

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***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

CRM (A) 749 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 05.09.2023 in connection with Banarhat Police Station Case No. 173 of 2023 dated 04.07.2023 under Sections 448/376/511 of the Indian Penal Code.

In the matter of : Shyamlal Murmu @ Shyamlala Murmu
... Petitioner

Mr. Anirban Banerjee

...for the Petitioner

Mr. Ujjal Luksom,
Mr. Dhiman Sil

.....for the State.

1. Learned counsel appearing for the petitioner submits that the allegations against the petitioner have not been corroborated.
2. Learned counsel appearing for the State opposes the prayer for bail.
3. However, it transpires that the alleged victim refused to undergo medical examination, which casts doubt on the veracity of the allegation.
4. In such circumstances, the benefit of anticipatory bail ought to be granted to the petitioner.
5. Accordingly, CRM (A) 749 of 2023 is allowed, thereby granting anticipatory bail to the petitioner on condition that

the petitioner shall comply with the conditions as stipulated in Section 438(2) of the Code of Criminal Procedure.

6. In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri and on further condition that the petitioner shall make himself available in the event so required for the purpose of investigation and shall meet the Investigating Officer once every month.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)