

D/L 220
January 31, 2023
MNS

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

CRM (A) 767 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 16.12.2022 in connection with NJP Police Station Case No. 179 of 2022 dated 21.02.2022 under Sections 376/511/506 of the Indian Penal Code, 1860.

And

In the matter of: Cheblu Roy @ Shebelu Roy

.... petitioner

Mr. Kunaljit Bhattacharya,
Mr. Haider Ali

... for the petitioner

Mr. A.S.Chakraborty,
Mr. S. S. Sikdar

... for the State

Heard learned counsel for the parties.

The State opposes the prayer for anticipatory bail.

It is submitted on behalf of the State that there are several corresponding statements of eye-witnesses under Section 161 of the Code of Criminal Procedure regarding the offence.

However, such contention is disputed by learned counsel for the petitioner, who submits that the initial complaint as well as the statements of the alleged eye-witnesses at best could reveal that the petitioner attempted to commit, but did not commit, the offence alleged.

From the materials on record we find that although there may be minor discrepancies between the initial complaint and the subsequent statement under Section 164 of the Code of Criminal Procedure of the victim, such minor irregularities are not uncommon

in cases of rustic villagers, as in the present case. As such, we refuse to grant anticipatory bail to the petitioner.

CRM(A) 767 of 2022 is disposed of without granting anticipatory bail, but granting liberty to the petitioner to surrender and to pray for bail before the appropriate court having jurisdiction. If so approached, the said court shall not be influenced in any manner by any of the observations made herein but shall independently decide the same.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)