

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

14.12.2023.
16/tkm

C.R.M. (A) 950 of 2023

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Boxirhat P.S case no. 363 of 2023 dated 6.9.2023 under sections 323/325/34 IPC read with section 12 of the POCSO Act

And

Allowed

In Re : Chini Das @ Chinibas Daspetitioner

Mr. H Saha Podder

...for the Petitioners

Mr. Nilay Chakraborty

Mr. Dhiman Sil

...for the State

1. Report is placed on record.
2. Heard learned lawyers for the parties.
3. We have considered the material on record. There was a free fight between the parties. In this backdrop it is to be assessed whether the attack on the victim was with intention to commit sexual assault or not.
4. Keening in mind the aforesaid facts, we are inclined to grant anticipatory bail to the petitioner.
5. 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 and on further condition that the petitioner while on bail, shall meet the investigating officer once in a week until further orders.
6. Petitioner shall appear before the court below and pray for regular bail within four weeks from date.
7. The application being CRM (A) 950 of 2023 is disposed of.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)