

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

12.12.2023.
12/tkm

C.R.M. (A) 969 of 2023

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Sahebganj P.S case no. 498 of 2023 dated 24.11.2023 under sections 448/376/511/506 of the IPC

And

Allowed

In Re : Bipul Barman @ Bipul Chandra Barman
.....petitioner

Mr. Sudip Guho

...for the Petitioner

Mr. Tapan Bhattacharjee

Mr. Chattu Roy

...for the State

1. Petitioner submits there is delay in lodging FIR. Allegation of attempt to rape is out and out false. He prays for anticipatory bail.

2. Learned lawyer for the State opposes the prayer for anticipatory bail.

3. We have considered the material on record. It is alleged that the petitioner had trespassed into the house of the victim and attempted to rape her. She had raised hue and cry and her children also woke up. But FIR was not promptly registered. Credibility of allegation of attempt to rape requires to be assessed in the light of the aforesaid circumstances at the appropriate stage of the proceeding.

4. Under such circumstances, 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.

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

7. The application being CRM (A) 969 of 2023 is disposed of.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)