

10.04.2024

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S.D./A.D.

Allowed

C.R.M. (A) No. 1183 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Tehatta Police Station Case No. 154 of 2024 dated 05.03.2024 under Sections 448/376/511/379 of the Indian Penal Code, 1860 pending before the learned Additional Chief Judicial Magistrate, Tehatta, Nadia.

And

In Re : Jagannath Ray

..... petitioner

Mr. Asraf Mandal

.....for the petitioner

Mr. Saibal Bapuli

Ms. Sonali Bhar

....for the State

1. Petitioner submits the allegation of attempt to rape is patently absurd. He was falsely implicated. He prays for anticipatory bail.
2. Learned Lawyer for the State opposes the prayer for anticipatory bail.
3. We have considered the materials on record. Victim stated that petitioner entered in her house and tried to commit rape. He also committed theft. There were other inmates in the house. Credibility of the allegations requires to be assessed in the light of the aforesaid attending circumstance at the appropriate stage of the proceedings.
4. Under such circumstances, we are of the opinion progress of investigation does not require custodial

interrogation and petitioner may be granted anticipatory bail.

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 be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition he shall appear before the jurisdictional Court and pray for regular bail within a period of four weeks from date.
6. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)