

24.04.2024
SL No.37
Court No.1
(gc)
(Allowed)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (A) 355 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Rajganj Police Station Case No.114/2024, dated 03.04.2024 under Sections 417/376/313/325/120B/379/34 of the Indian Penal Code.

And

In the matter of : **Jariful Md. & Anr.**

- Petitioners.

Mr. Jaydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik,
Mr. Shubham Kumar,
Ms. Rikta Sarkar,
Ms. Sayantani Das,
Mr. Tushar Debnath

... For the Petitioners.

Mr. Kallol Acharjee
Mr. Kallol Nag

... For the State.

1. In support of the application for anticipatory bail, it is submitted on behalf of the petitioners that considering the fact that the present two accused petitioners are not the principal accused with regard to the alleged rape upon the victim lady, the instant application for anticipatory bail may be considered favourably.
2. The learned Counsel for the State, however, opposes the prayer for anticipatory bail.

3. On perusal of the statement of the victim as recorded under Section 164 of the Cr.P.C., we find some allegation as against the present accused petitioners but those are restricted to physical assault etc. and not of any sexual assault and thus we are inclined to grant anticipatory bail to the petitioner.
4. Accordingly, we direct that in the event of their arrest, the petitioners, namely, **Jariful Md.** and **Masihar Rahaman @ Mashihar**, be released on bail upon furnishing a bond of Rs.10,000/- each, with two registered 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. It is further directed that the present accused petitioners shall meet the Investigating Officer of this case twice in a week till the submission of the final report.
5. The application for anticipatory bail is, thus, disposed of.
6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J.)

(Partha Sarathi Sen, J.)