

08.12.2023

12
sdas
Allowed

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M. (A) No. 956 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Matelli Police Station Case No. 168 of 2023 dated 24.08.2023 under Sections 448/325/376/511/506 of the Indian Penal Code.

And
In Re : Nur Islam petitioner

Mr. Haider Ali
Mr. Satyam Sarkar
.....for the petitioner

Mr. Saikat Chatterjee
Mr. Chattu Roy
....for the State

1. Learned Counsel for the petitioner submits there are case and counter case between the parties. Allegation of attempt to rape is out and out false. He prays for anticipatory bail.

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

3. We have considered the materials on record. Case and counter case were registered over the selfsame incident. Credibility of the allegation of attempt to rape requires to be assessed in the light of the aforesaid circumstances. Keeping in

mind this fact we are of the opinion custodial interrogation is not necessary but petitioner requires to co-operate with investigation in accordance with law.

4. 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 that he shall appear before the court below and pray for regular bail within a period of four weeks from date and on further condition that he shall meet the investigating officer once in a week until further orders.

5. The application for anticipatory bail is, thus, allowed.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)