

21.06.2023

Sl. 177

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 2289 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Chanchal** Police Station Case No. **1451 of 2022** dated **12.12.2022** under Sections **323/376(2)(f)(i)/494/498A** of the IPC.

And

In the matter of: **Sadikul Islam & Anr.**

....petitioners.

Mr. Soupal Chatterjee

Mr. Anupam Das

Ms. Sucheta Banerjee

...for the petitioners.

Mr. Imran Ali

Ms. Sutapa Banerjee

...for the State.

1. Heard learned Counsel for both the parties.
2. The matter arises out of a family feud. The first wife of present petitioner No. 2 has made allegation against three brothers-in-law (sisters' husband) of present petitioner No. 2 so far as allegation of rape is concerned. Considered the materials placed by learned Counsel for the parties including the statement of the victim recorded under Section 164 Cr.P.C. and her medical examination report. We *prima facie* find the allegation to be wild.
3. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, non-requirement of custodial interrogation and substantial progress in the investigation, it is directed that each of the petitioner shall be released on bail by the Arresting Officer in the event of their arrest on such terms and conditions as deemed just and proper in the facts and circumstances of the case in

connection with Chanchal Local P.S. case No. 1451 of 2022 dated 12.12.2022.

4. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
5. Within 3 weeks of the receipt of server copy or certified copy of this order, the petitioners are directed to appear before the I.O. alongwith a copy of such order.
5. Accordingly, the prayer for the anticipatory bail is allowed.
6. The application being **CRM (A) 2289 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

