

05.07.2023

Sl. 22

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 2378 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Jangipur Women** Police Station Case No. **25** of **2023** dated **15.05.2023** under Sections **448/376/406** IPC, corresponding to G.R. Case No. **1179** of **2023** pending before the learned Additional Chief Judicial Magistrate, Jangipur.

And

In the matter of: **Maidul Islam**

....petitioner.

Mr. Pulakesh Bajpayee

Mr. Kunal Ganguly

Ms. J. Alam

...for the petitioner.

Ms. Kum Kum Mitra

...for the State.

1. Heard learned Counsel for the parties.
2. Over a land dispute, an incident happened on 23.03.2023 and the members of the defence party here were brutally assaulted. FIR was lodged by the relative of the present petitioner on the same day alleging offence under Section 307 IPC and other allied offences. In the said case, the husband of the present informant and others have already been granted bail.
3. The present incident according to the FIR happened on 08.03.2023. Such date according to statement of the victim under Section 164 Cr.P.C. is 18.03.2023. The present FIR has been lodged after about 67 days of the alleged occurrence. The explanation is to the effect that jurisdictional Officer-in-Charge of the P.S. did not accept the FIR obliging the informant to file necessary complaints and the FIR was subsequently lodged under Section 156(3) Cr.P.C. on the direction of the Court.
4. Admittedly, there is case and counter case between the

parties, the victim has denied to be medically examined and even if, she would have medically been examined nothing could have come forth after so much of delay from the date of occurrence, especially when the victim herself was a married lady.

5. Investigation is stated to have progressed substantially. The matter should be best left to be decided by the learned Trial Court without compromising with the liberty of the present petitioner on the ground of presumption of innocence till he is found to be guilty.
6. Regard being had to the facts and submissions, factum of permanent residence of the petitioner, circumstances involved and substantial progress in the investigation, it is directed that the petitioner shall be released on bail in the event of his arrest by the Arresting Officer in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
7. The petitioner is directed to appear before the I.O within 21 days from today along with a server copy or certified copy of this order.
8. Accordingly, the prayer for the anticipatory bail is allowed.
9. The application being **CRM (A) 2378 of 2023** is disposed of.
10. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Apurba Sinha Ray, J.)

