

17.07.2023

SL. 6
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 2387 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Habibpur** Police Station Case No. **52 of 2023** dated **22.02.2023** under Sections **487/376/511** of the IPC read with Sections 4/18 of the POCSO Act.

And

In the matter of: **Sourav Sarkar**

....petitioner.

Mr. Ashok Das
Ms. Sanjana Saha

...for the petitioner.

Mr. Bidyut Kumar Roy
Ms. Sima Biswas

...for the State.

1. Heard learned Counsel for both the parties.
2. Considered the materials placed by them including the written complaint lodged by the mother of the victim and statement of the victim recorded under Section 164 Cr.P.C. Though there is allegation of attempt to commit rape in the written complaint/FIR, in the statement of the victim recorded Section 164 Cr.P.C. there is allegation of rape, which is not supported by the medical examination report of the victim. The investigation is stated to have progressed substantially and the petitioner is stated to be a person aged about 22/23 years old.
3. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, his tender age, possibility of reform in him and substantial progress in the investigation, it is directed that the petitioner shall be released on bail by the Arresting Officer in the event of his arrest on such terms and conditions as deemed just and proper in the facts and circumstances of the case in the

aforesaid P.S. case including the conditions that i) the petitioner shall appear before the I.O. once in a week on the day and time fixed by the I.O. till submission of F.F.; ii) he shall not threaten, induce or coerce any witness of this case including the victim in any manner whatsoever during the currency of this order.

4. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
5. Within 21 days from today the petitioner shall appear before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.
5. Accordingly, the prayer for the anticipatory bail is allowed.
6. The application being **CRM (A) 2387 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

