

13.07.2023
(M/L 32)
Ct. No.29
Allowed
(SKB)

CRM (A) 2423 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Thanarpara P.S. Case No.98 of 2023 dated 20.05.2023 under Sections 448/376/506 of the Indian Penal Code.

In the matter of : Sahabuddin Sk.

... Petitioner

Mr. Manas Kumar Das,
Mr. Asraf Mandal,
Mr. Aritra Kumar Thokdar

... for the petitioner

Ms. Faria Hossain,
Ms. Baisali Basu,
Ms. Mamata Jana

... for the State

1. Heard the learned Counsel for the parties.
2. The husband of the informant is alleged to have committed similar type of offence on the wife of the brother of the present petitioner as found from Annexure 'P-1' to the present petition. In the case arising out of Annexure 'P-1', the present petitioner is also a witness. The present FIR has been lodged by the informant against the present petitioner for the self-same offence. The informant having declined medical examination, there is no corroborative evidence so far as the allegation of rape is concerned. The investigation is stated to have progressed substantially.

3. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, absence of record of any past criminal antecedent against him, genesis of events 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 police station case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions that (i) the petitioner shall appear before the I.O. once in a fortnight on the day and time fixed by the I.O. till submission of final form. (ii) He shall co-operate in the investigation and 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. Accordingly, the prayer for the anticipatory bail is allowed.
5. The application being CRM(A) 2423 of 2023 is disposed of.
6. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.

(Chitta Ranjan Dash, J.)

(Apurba Sinha Ray, J.)