

13.07.2023
(M/L 43)
Ct. No.29
Allowed
(SKB)

CRM (A) 2436 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Dhantala P.S. Case No.263 of 2023 dated 14.04.2023 under Sections 448/323/354B/506 of the Indian Penal Code and Sections 8 & 12 of the POCSO Act.

In the matter of : Uttam Mondal

... Petitioner

Mr. Sumanta Das,
Mr. Aritra Kumar Thokdar

... for the petitioner

Mr. Arijit Ganguly,
Mr. Avik Ghatak,
Mr. Bibaswan Bhattacharya

... for the State

1. Heard the learned Counsel for the parties.
2. The FIR being lodged by the mother of the victim is silent about ravishment of the victim girl. In her statement under Section 164 Cr.P.C. the victim has alleged for the first time regarding the fact that she was raped by the present petitioner two months before lodging of the FIR. The medical examination report of the victim, though examined after a long lapse of the alleged occurrence, is indicative of the fact that there was no sign and symptom of sexual assault. We have to rely on the medical examination report inasmuch as the medical examination report is silent about the condition of hymen.

3. Investigation is stated to have progressed substantially and it is also submitted at the Bar that the victim is improving her case from stage to stage and the mother of the victim has also filed an affidavit being Annexure 'P-2' to the present petition to the effect that her daughter has not been ill treated in any manner as alleged and she was under bout of psychological disorder.
4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, 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.
5. Accordingly, the prayer for the anticipatory bail is allowed.
6. The application being CRM(A) 2436 of 2023 is disposed of.

7. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.

(Chitta Ranjan Dash, J.)

(Apurba Sinha Ray, J.)