

18.07.2023
ML. 94
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 2489 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chinsurah** Police Station Case No. **144** of **2023** dated **29.03.2023** under Sections **376/328** IPC.

And

In the matter of: **Alok Tiwari**

....petitioner.

Ms. Minoti Gomes
Mr. Pratip Mukherjee
Mr. Samrat Choudhury
Ms. Rina Banerkjee

...for the petitioner.

Mr. Madhusudan Sur, Ld. APP
Mr. Dipankar Paramanick

...for the State.

1. Heard learned Counsel for the parties.
2. Considered the materials placed by them including the statement of the victim recorded under Section 164 Cr.P.C.
3. From the statement of the victim, it comes out to be a *prima facie* case of self-preservation after consensual mixing between the parties.
4. The investigation is stated to have progressed substantially.
5. Regard being had to the facts and submissions, factum of permanent residence of the petitioners, nature of allegation, status of the petitioner in the society 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 in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case.

6. 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.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being **CRM (A) 2489 of 2023** is disposed of.
9. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

