

12.07.2023

Sl. 15
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 2537 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nakashipara** Police Station Case No. **360** of **2023** dated **06.05.2023** under Sections **376/511** IPC.

And

In the matter of: **Saber Sk @ Sabir**

....petitioner.

Mr. Amanul Islam
Mr. Sourav Mukherjee

...for the petitioner.

Mr. Saswata Gopal Mukherji, Ld. PP
Mr. Sandip Chakrabarty
Mr. Antarikhya Basu

...for the State.

1. Heard learned Counsel for the parties.
2. It is alleged by the informant that while the petitioner was making an attempt, her mother-in-law chanced to come there and the petitioner fled away.
3. Both the petitioner and the victim are major, the petitioner being stated to be 38 years old and the victim is stated to be 30 years old.
4. From the materials on record two views are possible as suggested at the Bar, one maybe that the petitioner and the victim being neighbour had fixed for consensual sex and the mother-in-law having chanced to see the incident, the report has been filed out of self-preservation. The second view is that the petitioner being the neighbour tried to ravish her. Admittedly, the FIR has been lodged after about ten days of the occurrence.
5. The investigation is stated to have progressed substantially.

6. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation 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 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 the informant or any other witness of this case during the currency of this order.
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) 2537 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.)

