

20.07.2023

SL. 22

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 2587 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Ratua** P.S. Case No. **120 of 2022** dated **21.03.2022** under Sections **323/354/376/448/511/120B** subsequently chargesheeted under Sections **341/323/354/376/511/506** of the IPC corresponding to G.R. Case No. **615 of 2022** pending before the learned ACJM, Chanchal, Malda.

And

In the matter of: **Rakesh Sarkar**

....petitioner.

Mr. Mrityunjoy Chatterjee

Mr. Debapriya Majumder

...for the petitioner.

Mr. Saibal Bapuli, APP

Mr. Arijit Ganguly

Mr. Sanjib Kumar Dan

...for the State.

1. Heard learned Counsel for both the parties.
2. We find improvements and discrepancies in the FIR and the statement of the victim recorded under Section 164 Cr.P.C.
3. Regard being had to facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of evidence and completion of investigation, it is directed that the petitioner shall surrender before the learned Additional Chief Judicial Magistrate, Chanchal, Malda within 15 days from today in G.R. Case No. 615 of 2022 arising out of aforesaid P.S. case. On his appearance and application for bail the petitioner shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
4. The learned Additional Chief Judicial Magistrate is directed to act upon the server copy of this order, if required.
5. Accordingly, the prayer for the anticipatory bail is allowed.

6. The application being **CRM (A) 2587 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

