

20.07.2023

SL. 23

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 2589 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Berhampore** P.S. Case No. **1090 of 2022** dated **23.08.2022** under Sections **448/376/506/34** subsequently chargesheeted under Sections **376D/506** of the IPC pending before the learned CJM, Berhampore, Murshidabad.

And

In the matter of: **Sandip Pandey @ Nimu Pandey**

....petitioner.

Mr. Subhajit Chwodhury

...for the petitioner.

Mr. Debabrata Chatterjee

Mr. Santanu Chatterjee

...for the State.

1. Heard learned Counsel for both the parties.
2. Considered the materials placed by them including the statement of the victim recorded under Section 164 Cr.P.C. though we are constrained to say that a *prima facie* offence under Section 376 IPC is made out against the petitioner, the narration in the statement of the victims do not inspire our confidence regarding the possibility of commission of offence in the manner alleged. Charge-sheet is stated to have been filed in the meantime. One co-accused person has already been enlarged on regular bail.
3. Regard being had to facts and submissions, factum of permanent residence of the petitioner, nature of allegation and completion of investigation, it is directed that the petitioner shall surrender before the learned Chief Judicial Magistrate, Berhampore, Murshidabad within 15 days from today in G.R. Case arising out of aforesaid Berhampore P.S. Case No. 1090 of 2022 including the conditions that i) the petitioner shall not threat or induce any witnesses of this case including the victim in any manner whatsoever; ii) both the parties shall take steps legally in the

cases pending against each other and shall not take the law in their hands; iii) the petitioner shall appear before the Trial Court on each date of substantive hearing subject to provision of Section 317 of the Cr.P.C. 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 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) 2589 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

