

25.07.2023
(D/L 19)
Ct. No.29
Allowed
(SKB)

CRM (A) 2637 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Pukhuria P.S. Case No.474 of 2022 dated 13.11.2022 under Sections 448/376/323/354/307/34 of the Indian Penal Code corresponding to G.R. No.3143 of 2022.

In the matter of : Alauddin @ Bhola

... Petitioner

Ms. Sujata Das

... for the petitioner

Ms. Faria Hossain,
Ms. Baisali Basu,
Ms. Mamata Jana

... for the State

1. Heard the learned Counsel for the parties.
2. The present P.S. case arises out of a complaint petition filed by the victim after about one month from the date of occurrence.
3. There is stated to be long standing property dispute between the parties and different proceedings are pending between them. The victim denied medical examination of her private part, and the injury sustained by the victim, may not be out of sexual assault and may not be gone into by us.
4. Investigation is stated to have progressed substantially. Though there is allegation of rape by the victim in her statement under Section 164 Cr.P.C., there are suspicious features in the entire transaction. We, therefore, feel persuaded to leave the matter to the wisdom of the learned trial court to weigh the probative effect of the evidence adduced at the time of trial.

5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of evidence and substantial progress in investigation, it is directed that the petitioner shall be released on bail by the Arresting Officer in the event of his arrest in the G.R. No.3143 of 2022 arising out of 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 condition (i) the petitioner is directed to appear before the IO once in a fortnight on the day and time fixed by the IO for the purpose of investigation till submission of Final Form and (ii) the petitioner shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. Within 21 days from today petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.
8. The application being CRM(A) 2637 of 2023 is disposed of.
9. The Arresting Officer is hereby directed to act upon the server copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)