

25.07.2023
SL. 33
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 2653 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Dhantala** Police Station Case No. **178 of 2023** dated **09.03.2023** under Sections **448/376/511/325/506/34** of the IPC.

And

In the matter of: **Bappa Das**

....petitioner.

Ms. Sananda Bhattacharyya

...for the petitioner.

Mr. Bidyut Kr. Roy

Ms. Rita Datta

...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.
The petitioner's wife had earlier made G.D. entry and had made complaint against the informant and her family members regarding some property dispute and the police had made a G.D. entry on such complaint. Thereafter the present case had been filed at the instance of the victim informant.
3. From the statement of the victim and her medical examination report, we find discrepancy so far as history of the injury on her head is concerned. In her statement before the Court under Section 164 Cr.P.C. she has stated that she sustained injury as a blow was given by the present petitioner on her head and before the medical officer she has stated that she sustained such injury when she fell down on the ground. The narratives of the victim, though short, in her statement under Section 164 Cr.P.C. gives rise to suspicion regarding the intention of the petitioner who is alleged to have entered victim's house with an intention to ravish her.

4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, 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 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 is directed appear before the I.O. once in a fortnight on the day and time fixed by the I.O. for the purpose of investigation till submission of F.F.; ii) the petitioner shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.
5. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
6. Within 21 days from today the petitioner shall appear before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.
5. Accordingly, the prayer for the anticipatory bail is allowed.
6. The application being **CRM (A) 2653 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

