

02.08.2023
(D/L 27)
Ct. No.29
Allowed
(SKB)

CRM (A) 2721 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Ratua P.S. Case No.70 of 2023 dated 18.02.2023 under Sections 363/365/120B of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Rahul Yadav

... petitioner

Mr. Swapan Chatterjee,
Mr. Anupam Das,
Ms. Sucheta Banerjee

... for the petitioner

Mr. Partha Sarathi Das,
Mrs. Mamai Roy

... for the State

1. Heard the learned Counsel for the parties.
2. Considered the materials placed by them including the statement of the victim recorded under Sections 161 and 164 Cr.P.C. So far as the present petitioner is concerned, there is allegation against him to the effect that the present petitioner along with two others took the victim to the place of occurrence where one Goutam and Mangru ravished her. In her statement under Section 164 Cr.P.C., the name of the present petitioner is not there. Allegation is against one Rodul.
3. It is fairly submitted by the learned counsel for the State that the present petitioner Rahul and Rodul are two different persons. The victim has also denied medical examination.

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:

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.

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. Accordingly, the prayer for the anticipatory bail is allowed.

6. 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.

7. The application being CRM(A) 2721 of 2023 is disposed of.

8. The Arresting Officer is hereby directed to act upon the server copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)