

18.08.2023
(D/L 20)
Ct. No.29
Allowed
(SKB)

CRM (A) 2941 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Tehatta P.S. Case No.293 of 2023 dated 11.04.2023 under Sections 448/376/511/506 of the Indian Penal Code.

In the matter of : Rajesh Sarkar

... petitioner

Mr. Atis Kumar Biswas,
Mr. Amit Singh,
Ms. Jyoti Agarwal

... for the petitioner

Mr. Imran Ali,
Ms. Debjani Sahu

... for the State

1. Heard the learned Counsel for the parties.
2. Considered the materials placed before us including the FIR lodged by the victim and her statement recorded under Section 164 Cr.P.C. There is discrepancy in the FIR and the statement of the victim recorded under Section 164 Cr.P.C. Investigation is stated to be progressed substantially.
3. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation 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.

- 4. Accordingly, the prayer for the anticipatory bail is allowed.
- 5. 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.
- 6. The application being CRM(A) 2941 of 2023 is disposed of.
- 7. The Arresting Officer is hereby directed to act upon the server copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)