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10.08.2023.
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C.R.M.(A) 2989 of 2023

In the matter of: an application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 17.07.2023 in connection with Banshihari Police Station Case No. 142 of 2023 dated 06.06.2023 under Section 4 of the Protection of Children from Sexual Offences Act, 2012.

And

In re.: Shri Sukamal Sarkar. ... Petitioner

Mr. Bibaswan Bhattacharya,
Mr. Avik Sen,
Ms. Bindia Paul. ... for the petitioner

Mr. Anwar Hossain,
Mr. Arif Ekbal Molla. ... for the State.

Mr. Kaushik Choudhury,
Ms. Busera Khatun.
..for the de facto complainant.

1. Affidavit-of-service filed in Court today be taken on record.
2. Heard the learned Counsel for the parties.
3. The victim and the petitioner are the residents of the same locality. In the FIR lodged by the victim, there is allegation about two incidents i.e. one on 2nd April, 2023 and the second on 4th June, 2023. In the first incident, the victim is alleged to have been ravished and in the second incident there is allegation of attempt to ravish her. In her statement recorded under Section 164 of the Code of Criminal Procedure, however, the victim has not whispered a word about any violation of her body. She has only alleged about an attempt by the present petitioner, who is stated to be 24 years old.

4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, his tender age and possibility of reform in him, 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 Investigating Officer of the case twice in a week on the day and time fixed by the Investigating Officer of the case 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.
- (iii) The petitioner shall not leave the jurisdiction of the Police Station without obtaining prior leave from the Investigating Officer of the case.

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

6. The application being CRM(A) 2989 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.)