

21.08.2023
ML. 262
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 3062 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Kushmandi** Police Station Case No. **117 of 2023** dated **14.05.2023** under Sections **448/376/323/506/34** of the IPC.

And

In the matter of: **Md. R.M. Sarowar**

....petitioner.

Mr. Sourav Chatterjee
Ms. Namrata Chatterjee

...for the petitioner.

Mr. Swapan Banerjee
Mr. Anindya Sundar Chatterjee

...for the State.

1. Heard learned Counsel for both the parties.
2. Considered the materials placed before us including the FIR and the statement of the victim recorded under Section 164 Cr.P.C. From the materials on record it is clear that there was some monetary transaction between the parties and part of the money the victim has not yet been paid. We also notice variance in the FIR and the statement of the victim recorded under Section 164 Cr.P.C. so far as the crux of the allegation is concerned. There is stated to be delay of about 34 days in lodging the FIR. The occurrence is alleged to have happened on 10.04.2023 and the FIR is alleged to have been lodged on 14.06.2023. Obviously nothing has been found in the medical examination report of the victim to corroborate her statement.
3. 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 condition that:

- i) The petitioner is directed to appear before the I.O. once in a week 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.
4. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
 5. 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.
 6. Accordingly, the prayer for the anticipatory bail is allowed.
 7. The application being **CRM (A) 3062 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

