

21.08.2023
(M/L 245)
Ct. No.29
Allowed
(SKB)

CRM (A) 3044 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kotwali P.S. Case No.425 of 2023 dated 16.05.2023 under Sections 447/376/511 of the Indian Penal Code.

In the matter of : Mithun Mallick

... petitioner

Ms. Minoti Gomes,
Mr. Amanul Islam,
Mr. Sourav Mukherjee

... for the petitioner

Mr. Anwar Hossain,
Mr. Arif Ekbal Molla

... for the State

1. Heard the learned Counsel for the parties.
2. Considered the materials placed before us including the statement of the victim recorded under Section 164 Cr.P.C. The allegation is little bit serious but the totality of the allegation makes out a case under Section 354 IPC at least *prima facie*. There is no record of past criminal antecedent of the petitioner as submitted by the learned counsel for the State.
3. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of offence 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 week 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) 3044 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.)