

21.08.2023
(M/L 249)
Ct. No.29
Allowed
(SKB)

CRM (A) 3048 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Chanchal P.S. Case No.388 of 2023 dated 03.04.2023 under Sections 363/365/323/506/34 of the Indian Penal Code read with Section 12 of the POCSO Act.

In the matter of : Majifur Rahaman @ Majiful Rahaman
... petitioner

Mr. Kunal Ganguly,
Ms. Jenifar Alam Megha
... for the petitioner

Ms. Anasuya Sinha,
Mr. Pinak Kumar Mitra
... for the State

1. Heard the learned Counsel for the parties.
2. The petitioner is the brother-in-law of the alleged principal accused. The victim in her statement under Section 161 Cr.P.C. has completely exonerated the principal accused and the present petitioner. In her two-line statement under Section 164 Cr.P.C., however, there is allegation of commission of rape against the principal accused but not against the present petitioner.
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 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) 3048 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.)