

23.08.2023
ML. 344
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 3149 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Itahar** Police Station Case No. **174 of 2023** dated **10.05.2023** under Sections **448/376/511/506** of the IPC.

And

In the matter of: **Amenur Rahaman**

....petitioner.

Ms. Reshmi Mukherjee
Mr. Ashok Halder
Mr. Sunayan Ghosh

...for the petitioner.

Mr. S. S. Imam
Mr. S. Kundu

...for the State.

1. Heard learned Counsel for both the parties.
2. Considered the materials placed before us including the statement of the victim recorded under Section 164 Cr.P.C.
The allegation *per se* makes out an offence of indecent assault but does not attract Section 376/511 IPC at least *prima facie*.
There is stated to be also land dispute between the parties.
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 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) 3149 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

