

04.10.2023

SL. 10

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 3173 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Technocity** Police Station Case No. **100** of **2023** dated **26.05.2023** under Sections **341/ 323/ 325/ 376(2)(k)(n)/ 354/ 354A/ 354C/ 506/ 509** IPC.

And

In the matter of: **Sk. Md. Asif Ali**

....petitioner.

Mr. Rajdeep Mazumder

Mr. Pritam Roy

...for the petitioner.

Ms. Anasuya Sinha

Ms. Subhasree Patel

...for the State.

Mr. Arka Pritam Chowdhury

Mr. Sunny Nandy

Ms. Tuhina choudhury

Ms. Shreya Chakraborty

... for the defacto complainant.

1. Heard learned Counsel for the parties.
2. From the FIR filed by the informant, we find that the victim and the petitioner were in live in relationship for a pretty long period, in course of which there is allegation of torture and beating by the petitioner. Though learned Counsel for the informant makes out a case of abduction/kidnapping from the examination hall etc., there is nothing in the FIR to that effect. Though live in relationship is stated to be forceful, one cannot be expected to live with a person forcibly for a period of three to four years.
3. Further from the injury report, it is found that in the history of injury, the victim herself has stated before the medical officer that she was in a love relationship with the petitioner.

After dissention started between them, all these things have happened and two FIRs successively have been lodged by the informant besides moving the writ court earlier after filing of the first FIR.

4. From the injury report, we find that though the victim has suffered some injuries those are superfluous injuries and are not on vital parts of the body. When both are staying separately now, there is no chance of the petitioner tampering with the evidence or fleeing the course of justice.
5. We do not find any justification of custodial interrogation of the petitioner in the present case when he has already been released on regular bail in a case filed by the informant almost on the same allegation.
6. Regard being had to the facts and submission, 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 in the event of his arrest by the Arresting Officer 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 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.

7. 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.
8. Accordingly, the prayer for anticipatory bail is allowed.
9. The application being **CRM (A) 3173 of 2023** is disposed of.
10. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

