

24.08.2023
(M/L 389)
Ct. No.29
Allowed
(SKB)

CRM (A) 3201 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Bhimpur P.S. Case No.83 of 2023 dated 18.03.2023 under Sections 448/376/511 of the Indian Penal Code.

In the matter of : Somnath Pal @ Somenath Pal
... petitioner

Mr. Prabir Majumder,
Mr. Snehansu Majumder
... for the petitioner

Mr. Navanil De
... for the State

1. Heard the learned Counsel for the parties.
2. From the statement of the victim recorded under Section 164 Cr.P.C. we do not find any material to constitute offence under Sections 376/511 IPC at least *prima facie*, though a case of indecent assault is made out against the petitioner.
3. Learned counsel for the petitioner submits there is no record of past criminal antecedent against the petitioner.
4. 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:

- 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) Petitioner shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.

- 5. Accordingly, the prayer for the anticipatory bail is allowed.
- 6. 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.
- 7. The application being CRM(A) 3201 of 2023 is disposed of.
- 8. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)