

18.09.2023
SL. 7
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 3435 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Domkol** Police Station Case No. **328** of **2023** dated **17.05.2023** under Sections **376(1)/506** IPC.

And

In the matter of: **Sarful Sk. @ Sarful Seikh**

....petitioner.

Mr. Debapriya Samanta

...for the petitioner.

Mr. Tanmoy Kr. Ghosh
Mr. Arindam Sen

...for the State.

1. Heard learned Counsel for the parties.
2. It is alleged on behalf of the petitioner that the present petitioner is a labour contractor with whom the husband of the victim lady/informant is working. It is further submitted by the learned Counsel for the petitioner that a dispute cropped up with regard to payment to the said labour and thus, a false complaint has been lodged against him.
3. While opposing the prayer of the petitioner, learned Counsel for the State draws our attention to the statement of the victim as recorded under Section 164 Cr.P.C. vis-à-vis the injury report.
4. Though on perusal of the statement of the victim as recorded under Section 164 Cr.P.C., we find some criminality as alleged in the written complaint but in the injury report, we find no such incriminating materials since the doctor opined that he found no injury on the person of the victim. It also appears to us that there occurred delay of three weeks in

lodging the FIR which has not been explained properly at least *prima facie*.

5. 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.

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. Accordingly, the prayer for anticipatory bail is allowed.
8. The application being **CRM (A) 3435 of 2023** is disposed of.
9. 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.)

