

30.08.2023

SL. 66
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 3515 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Santipur** Police Station Case No. **417 of 2023** dated **03.05.2023** under Sections **448/325/354/506/34** of the IPC read with Section **8** of the POCSO Act.

And

In the matter of: **Sujoy Biswas @ Chanchal Biswas**

....petitioner.

Ms. Minoti Gomes
Ms. Shanta Sarkar

...for the petitioner.

Ms. Faria Hossain
Ms. Baisali Basu
Mr. Anand Keshari

...for the State.

1. Heard learned Advocate for the petitioner and learned Advocate for the State at length.
2. Certified copy as filed on behalf of the petitioner be taken on record.
3. At the very outset learned Advocate for the petitioner submits before this Court that allegation as made out in the FIR is exaggerated since the alleged incident occurred on account of a village dispute. Drawing attention to the certified copy of an application as filed in the Court of learned Special Court, Ranaghat, it is submitted that subsequent to the lodging of the FIR, the de facto complainant has filed an application before the learned Trial Court expressing her intention to withdraw the case as lodged against the present petitioner.
4. We are perused the entire materials in the Case Diary including the statement of the victim as recorded under Section 164 Cr.P.C. From such statements as well as from the other statements as recorded under Section 161 Cr.P.C. it reveals that

the entire transaction occurred on account of a village dispute while a village road was being constructed where the co-villagers requested the de facto complainant and his husband to cut some trees which were creating obstruction in constructing such road. It reveals further that on account of altercation, a jostling took place between the informant and the present petitioner and when the victim girl tried to protect her mother, the alleged incident occurred.

5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, genesis of events 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 fortnight 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.

6. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.

7. 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.

8. Accordingly, the prayer for the anticipatory bail is allowed.
9. The application being **CRM (A) 3515 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

