

12.09.2023
M/L 31
Ct. No.29
(Allowed)
(SKB)

CRM (A) 3638 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kharagpur(T) P. S. Case No.311 of 2023 dated 21.06.2023 under Sections 341/325/354B/376/506/509 of the Indian Penal Code.

In the matter of : Umesh Singh
@ Umesh Kumar Singh
... Petitioner

Mr. Soumik Ganguli,
Ms. Chandana Chakraborty,
Mr. Supriyo Shasmal
... for the petitioner

Md. Anwar Hossain,
Ms. Sreyashee Biswas
... for the State

1. Heard learned advocate for the petitioner and learned advocate for the State at length.
2. It is submitted on behalf of the petitioner that the present case is the outcome of previous rivalry between the parties.
3. On perusal of the statement of the victim as recorded under Section 164 Cr.P.C. and the medical examination of the victim lady, it reveals that the allegation of commission of offence under Section 376 IPC by the present petitioner gets no support therefrom although there are some materials in the said statement to attract Section 354 IPC at least *prima facie*.

4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of evidence 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 condition:
 - i) The petitioner is directed to appear before the IO once in a fortnight on the day and time fixed by the IO for the purpose of investigation till submission of Final Form.
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 applications being CRM(A) 3638 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.)