

13.09.2023
ML. 41
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 3648 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Ratua** P.S. Case No. **187 of 2023** dated **14.04.2023** under Sections **448/376/511/323** of the IPC pending before the learned ACJM, Chanchal, Malda.

And

In the matter of: **Saiyed Shirtaj**

....petitioner.

Mr. Kunal Ganguly

...for the petitioner.

Mr. Partha Pratim Das
Ms. Eshita Dutta

...for the State.

1. Heard learned Advocate for the petitioner and learned Advocate for the State at length.
2. It is submitted that the present case is the outcome of a dispute between the two brothers and his family members.
3. Charge-sheet is stated to have been submitted.
4. From the statements of the victim as recorded under Section 164 Cr.P.C. it reveals that though there is allegation of attempt to rape by the petitioner but such allegation in our considered view is at the fringe.
5. Regard being had to facts and submissions, factum of permanent residence of the petitioner, nature of allegation and completion of investigation, it is directed that the petitioner shall surrender before the learned Additional Chief Judicial Magistrate, Chanchal, Malda within 15 days from today in the G.R. case arising out of aforesaid P.S. case.
6. On his appearance and application for bail the petitioner shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.

7. The learned ACJM, Chanchal, Malda is directed to act upon the server copy of this order, if required.
8. Accordingly, the prayer for the anticipatory bail is allowed.
9. The application being **CRM (A) 3648 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

