

19.09.2023
ML. 166
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 3773 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Basirhat** Police Station Case No. **322** of **2023** dated **20.05.2023** under Sections **376** IPC.

And

In the matter of: **Ram Prosad Sadhu**

....petitioner.

Mr. Soumojit Das Mahapatra
Md. Yusuf Ali
Mr. Abdul Aziz Mondal

...for the petitioner.

Mr. Tanmoy Kr. Ghosh, Ld. SGA
Ms. Sonali Bhar

...for the State.

Mr. Santanu Deb Roy
Mr. D. Guha

... for the defacto complainant.

1. Heard learned Counsel for the parties.
2. It is alleged on behalf of the petitioner that since there exists a dispute between landlord and tenant, a false case of rape has been initiated by the informant (tenant) against the present petitioner who is the landlord.
3. On perusal of the entire materials of the Case Diary especially, the statements of the victim and her daughter as recorded under Section 164 Cr.P.C. and Section 161 Cr.P.C., we notice some material improvements in the statements as recorded under Section 164 Cr.P.C. which have been recorded subsequently. We also notice that the treating doctor found no biting mark on the person of the victim lady though there is specific allegation to that effect in the statement of the victim as recorded under Section 164 Cr.P.C.

4. Regard being had to the facts and submission, factum of permanent residence of the petitioner, nature of allegation, material improvement 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 condition 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.
5. 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.
6. Accordingly, the prayer for anticipatory bail is allowed.
7. The application being **CRM (A) 3773 of 2023** is disposed of.
8. 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.)

