

5.12.2023
(D/L 9)
Ct. No.29
(Allowed)
(SKB)

CRM (A) 3847 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Tamluk P. S. Case No.797 of 2023 dated 16.07.2023 under Sections 448/323/325/307/376/511/379/427/506/34 of the Indian Penal Code (G.R. No.2439 of 2023).

In the matter of : Pinu Pathak
@ Saheb Pathak and another
... Petitioners

Ms. Pallavi Priyadarshee
... for the petitioners

Mr. Swapan Banerjee,
Mr. Anindya Sundar Chatterjee
... for the State

1. Heard learned counsel for the parties.
2. Though in the complaint petition filed before the Magistrate allegation is there regarding attempt of rape, the victim in her medical examination report has stated before the medical officer that she has been physically assaulted by 'lathi' etc. by the petitioners and others. Her statement has not been recorded under Section 164 Cr.P.C.
3. The mother of the victim has made a blanket statement on hearing from her daughter that the petitioners and others attempted to ravish the victim when she had gone to attend the call of nature.
4. It is found that the investigation has been progressed substantially.
5. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, nature of evidence and substantial progress in investigation, it is directed that each of the petitioner shall

be released on bail by the Arresting Officer in the event of their arrest in the G.R. No.2439 of 2023 arising out of 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:

- i) The petitioners are directed to appear before the IO once in a week on the day and time fixed by the IO for the purpose of investigation till submission of Final Form.
 - ii) The petitioners shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.
6. Accordingly, the prayer for the anticipatory bail is allowed.
 7. Within 21 days from today petitioners are directed to appear before the I.O. along with a server copy or certified copy of this order.
 8. The application being CRM(A) 3847 of 2023 is disposed of.
 9. 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.)