

03.10.2023
SL. 46
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 3977 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Panskura** Police Station Case No. **543 of 2023** dated **28.07.2023** under Sections **376/406/417/420** of the IPC.

And

In the matter of: **Sk. Azad Ali**

....petitioner.

Mr. Angsuman Chakraborty
Mr. Rajib Kumar Acharyya
Mr. sasanka Sekhar Saha
Mr. Bansi Badan Maity

...for the petitioner.

Mr. Binay Panda
Ms. Puspita Saha

...for the State.

1. Heard learned Counsel for both the parties.
2. Both the petitioner and the informant are major. From the statement of the victim recorded under Section 164 Cr.P.C. it is found that there was consensual physical relationship between the two as found from the tenor of allegation in the said statement. Originally both the petitioner and the victim were in same political party. Subsequently, the victim changed the party as submitted by learned Counsel for the petitioner and dissension started thereafter. Prior to the lodging of the present FIR the petitioner has also lodged FIR against the agent of the victim on 07.07.2023. Further so far as present FIR is concerned there is about two months delay in lodging of the FIR and there is no plausible explanation for the same.
3. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation 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 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 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.
4. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
 5. 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.
 6. Accordingly, the prayer for the anticipatory bail is allowed.
 7. The application being CRM (A) 3977 of 2023 is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

