

03.10.2023

SL. 59

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 3992 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Baguihati** Police Station Case No. **473** of **2023** dated **08.08.2023** under Sections **354/506** IPC (corresponding to G.R. Case No. 1934 of 2023, pending before the learned CJM, Barasat, North 24 Parganas).

And

In the matter of: **Suman Gayen**

....petitioner.

Mr. Pritam Roy

...for the petitioner.

Md. Anwar Hossain

Ms. Ratna Ghosh

...for the State.

1. Heard learned Counsel for the parties.
2. It is submitted on behalf of the petitioner that prior to lodging of the FIR as involved in this case, a similar complaint was lodged by the informant/victim against the present petitioner in which case the present petitioner was arrested and enlarged on bail by the jurisdictional magistrate.
3. It is further submitted that immediately after release of the present petitioner on bail, similar type of allegation has been levelled against the present petitioner which is false. It is further submitted that peculiarly in both the cases, the place of occurrence of the alleged incidents are same, i.e., near the tube-well of the village.
4. While opposing the prayer for anticipatory bail, learned Counsel for the State draws the attention of this Court to the

statement of the victim recorded under Section 164 Cr.P.C., wherefrom it appears that on the alleged day and hour of the incident, the present petitioner made indecent assault on the victim.

5. Regard being had to the facts and submission, factum of permanent residence of the petitioner, nature of allegation, nature of offence 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 conditions that:

i) The petitioner is directed to appear before the I.O. twice 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.

iii) The petitioner shall not leave the jurisdiction of the P.S. without obtaining prior leave from the I.O. till the conclusion of the investigation.

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. Accordingly, the prayer for anticipatory bail is allowed.
8. The application being **CRM (A) 3992 of 2023** is disposed of.
9. 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.)

