

**04.10.2023**  
SL. 38  
Court No. 29  
Sourav  
(Allowed)

**C.R.M. (A) 4033 of 2023**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kandi** Police Station Case No. **451** of **2023** dated **28.07.2023** under Sections **448/376/511/325/34** IPC (corresponding to G.R. Case No. 1429 of 2023).

And

In the matter of: **Lekbas Sk. @ Lakbas Sk.**

....petitioner.

Mr. Manas Kumar Das

...for the petitioner.

Md. Anwar Hossain

Ms. Sreyashee Biswas

...for the State.

1. Heard learned Counsel for the parties.
2. Learned Counsel for the petitioner at the very outset submits before this Court that the present case is the outcome of a neighbour dispute over which case and counter case have been filed.
3. While opposing the prayer for anticipatory bail, learned Counsel for the State took us to the statement of the victim as recorded under section 164 Cr.P.C. wherefrom, *prima facie*, we do not find any element of attempt of rape by the present petitioner though his action may amount to indecent assault.
4. Regard being had to the facts and submission, factum of permanent residence of the petitioner, nature of allegation, nature of evidence 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. once in a fortnight 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) 4033 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.)**

