

05.10.2023
D/L 15
Ct. No.29
(Allowed)
(SKB)

CRM (A) 4061 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Manikchak P. S. Case No.467 of 2023 dated 25.06.2023 under Sections 417/376/323/506/34 of the Indian Penal Code (G.R. Case No.4022 of 2023).

In the matter of : Samar Basak

... Petitioner

Mr. Sujoy Sarkar,
Mr. Mushrraff Alam Sk
Mr. Rahul Chachan

... for the petitioner

Mr. Abhra Mukherjee,
Mr. Dipankar Mahata

... for the State

1. Heard learned counsel for the parties.
2. The petitioner and the victim had known to each other since their school days. Relationship developed between them and turned to physical in course of time. It is alleged that the victim was impregnated by the petitioner and at the instance of the petitioner and his family members, the pregnancy was terminated.
3. We, however, do not find any charge under Section 313 Cr.P.C. and the medical report on record is also silent about previous pregnancy of the victim. The present FIR has been lodged when the petitioner and his family members declined to marriage proposal given by the family of the victim.
4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, his tender age and possibility of reform in him, 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 G.R. Case No.4022 of 2023 arising out of 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 petitioner is directed to appear before the IO once in a fortnight on the day and time fixed by the IO 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. Accordingly, the prayer for the anticipatory bail is allowed.
 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. The applications being CRM(A) 4061 of 2023 is disposed of.
 8. 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.)