

06.10.2023

SL. 20

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 4076 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Kumarganj** P.S. Case No. **217 of 2023** dated **14.07.2023** under Sections **448/376/511/506/34** IPC corresponding to G.R. Case No. **1416 of 2023** pending before the learned CJM, Balurghat, Dakshin Dinajpur.

And

In the matter of: **Nikhil Sarkar**

....petitioner.

Ms. Busra Khatun

...for the petitioner.

Mr. Anowar Hossain

Mr. Ratna Ghosh

...for the State.

1. Heard learned Counsel for both the parties.
2. It is submitted on behalf of the petitioner that the allegation as made out in the FIR is the outcome of a neighbor dispute wherein the present petitioner has been falsely implicated.
3. While opposing the prayer for anticipatory bail, learned Counsel for the State draws our attention to the statement of the victim as recorded under Section 164 Cr.P.C. from where we find allegation of indecent assault against the present petitioner.
4. Charge-sheet is stated to have been submitted in the meantime and, therefore, custodial interrogation of the present petitioner is not necessary.
5. Regard being had to facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of offence and completion of investigation, it is directed that the petitioner shall surrender before the learned Chief Judicial Magistrate, Balurghat, Dakshin Dinajpur within 15 days from today in the G.R. case No. 1416 of 2023 arising out of aforesaid P.S. case.

6. On his appearance and application for bail the petitioner shall be released on bail 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 shall appear before the learned Trial Court on each date of substantive hearing subject to the provision of Section 317 Cr.P.C.
 - (ii) The petitioner shall meet the I.C. of the jurisdictional P.S. where the present petitioner resides once in a week till conclusion of trial unless such condition has been relaxed by the learned Trial Court.
 - (iii) Unless such condition stated by the learned Trial Court on his satisfaction the petitioner is not creating any problem to the victim.
7. The learned CJM, Balurghat, Dakshin Dinajpur is directed to act upon the server copy of this order, if required.
8. Accordingly, the prayer for the anticipatory bail is allowed.
9. The application being **CRM (A) 4076 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

