

12.10.2023
ML. 34
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 4123 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Panchla** Police Station Case No. **190** of **2023** dated **14.06.2023** under Sections **448/323/325/307/354B/506/34** IPC (corresponding to G.R. Case No. 2914 of 2023).

And

In the matter of: **Lalu Mollick & Anr.**

....petitioners.

Mr. Soumya Basu Roy Chowdhuri

...for the petitioners.

Mr. Binay Panda
Ms. Puspita Saha

...for the State.

1. Heard learned Counsel for the parties.
2. The incident as involved in this case and as reveals from the FIR occurred on 10.06.2023 at about 1.00 p.m. on account of taking of water in the locality when the present petitioners and another Meharaj Mollick entered into the house of the informant and assaulted the wife of the informant on her head.
3. On perusal of the injury report, it reveals that the victim of the alleged incident suffered deep cut injury on her scalp without involving any bone.
4. However, from the statement of the victim as recorded under Section 164 Cr.P.C., it appears that as per the victim, the incident occurred on 12.06.2023 at 1.00 p.m. when she was taking her bath in a canal and the present two petitioners dragged her out from the said canal and after tearing her saree and other wearing apparels, the present petitioner no. 1

raped her.

5. In view of the entire discrepancy regarding the day, time and place of occurrence of the alleged incident, the nature of improvement in the statement of the victim as recorded under Section 164 Cr.P.C., we cannot rule out the chance of exaggeration and false implication.
6. Regard being had to the facts and submission, factum of permanent residence of the petitioners, nature of allegation, nature of evidence and substantial progress in investigation, it is directed that each of the petitioner shall be released on bail in the event of their 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 petitioners are 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 Final Form.
 - ii) The petitioners shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.
7. Within 21 days from today, petitioners are directed to appear before the I.O. along with a server copy or certified copy of this order.
8. Accordingly, the prayer for anticipatory bail is allowed.
9. The application being **CRM (A) 4123 of 2023** is disposed of.

10. 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.)

