

20.11.2023

SL. 6

Court No. 29

Suvayan

(Allowed)

**C.R.M. (A) 4236 of 2023**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Chanditala** Police Station Case No. **616** dated **09.08.2023** under Sections **376(2)(n)/420/406/506** of the IPC corresponding to G.R. Case No. **1857 of 2023**.

And

In the matter of: **Md. Samiulla Molla**

....petitioner.

Mr. Navanil De  
Mr. Rajeshwar Chakraborty  
Mr. Srijan Ghosh  
Mr. Subhrajit Dey  
Ms. Monami Mukherjee

...for the petitioner.

Mr. Swapan Banerjee  
Ms. Purnima Ghosh

...for the State.

1. Heard learned Counsel for both the parties.
2. From the materials as placed before this Court it transpires that the informant and the present accused petitioner are the distant relatives. It reveals further from the written complaint that when the informant was staying with her husband at Uttar Pradesh the present accused petitioner went to her rental accommodation and forcefully cohabited. It further reveals from the materials as placed before us that in the year 2020 the informant shifted to Kolkata and thereafter on several occasions she met with the accused at a lodge at Dankuni where according to her, she was compelled to come there by the present accused.
3. We find some incriminating materials as against the present accused petitioner to substantiate the allegation of rape but in our considered view the delay in lodging FIR (which has been lodged on 09.08.2023) has not been properly explained.
4. Regard being had to such facts and submissions, factum of

permanent residence of the petitioner, nature of allegation, nature of evidence, *prima facie* delaying in lodging the FIR 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 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. as and when required on the day and time fixed by the I.O. for the purpose of investigation till submission of F.F.
- 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. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
6. Within 21 days from today the petitioner shall appear before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being **CRM (A) 4236 of 2023** is disposed of.

**(Chitta Ranjan Dash, J.)**

**(Partha Sarathi Sen, J.)**

