

20.11.2023
SL. 11
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 4272 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Katwa** Police Station Case No. **619** dated **26.06.2023** under Sections **448/354/506** of the IPC and adding Section **376** of the IPC corresponding to G.R. Case No. **1150 of 2023**.

And

In the matter of: **Saheb Dey**

....petitioner.

Mr. Navanil De
Mr. Rajeshwar Chakraborty
Mr. Srinjan Ghosh
Mr. Subhrajit Dey
Mr. Monami Mukherjee

...for the petitioner.

Md. Anowar Hossain
Ms. Sreyashee Biswas

...for the State.

1. Heard learned Counsel for both the parties.
2. At the very outset learned Counsel for the petitioner draws attention of this Court to the Annexure – D of the instant application for anticipatory bail. It is submitted that the dispute between the present petitioner and the informant occurred for non-payment of loan which is evident from the statement of accounts a photocopy which has been marked with Annexure – D.
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.
4. It is pertinent to mention herein that the instant case was started under Sections 448/354/506 IPC but subsequently Section 376 IPC has been added. On comparative study of the written complaint as lodged by the informant and the statement of the victim/informant as recorded under Section 164 Cr.P.C., we found not only too much exaggeration but

also material contradiction which is *prima facie* apparent on the face of record.

5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of offence 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.

6. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.

7. 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.

8. Accordingly, the prayer for the anticipatory bail is allowed.

9. The application being **CRM (A) 4272 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

