

5.12.2023
(M/L 45)
Ct. No.29
(Allowed)
(SKB)

CRM (A) 4585 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Shibpur P. S. Case No.207 of 2023 dated 12.06.2023 under Sections 498(A)/313/376/34 of the Indian Penal Code (G.R. Case No.2783 of 2023).

In the matter of : Ashok Kumar Ray

... Petitioner

Mr. Niladri Sekhar Ghosh,
Ms. Soupurna Chatterjee,
Mr. Sourov Mondal

... for the petitioner

Md. Rafikul Islam,
Mr. Shashanka Shekhar Saha

... for the State

1. Heard learned counsel for the parties.
2. The present petitioner is the elder brother of the husband of the victim lady. From the statement of the victim lady as recorded under Section 164 Cr.P.C., we find direct allegation of repeated commission of rape by the present petitioner and the other co-accused persons. However, considering the fact that investigation has been completed in the meantime, there is no further requirement of custodial interrogation of the petitioner and keeping in mind that in her statement as recorded under Section 164 Cr.P.C., the victim has not specifically mentioned the dates of her alleged ravishment by the

petitioner and the other co-accused persons, we are inclined to grant anticipatory bail to the petitioner.

3. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation and nature of evidence it is directed that the petitioner shall surrender before the learned CJM, Howrah in G.R. Case No.2783 of 2023 arising out of the aforesaid P.S. case within 15 days from today. On his surrender and application for bail, he shall be released on bail by the aforesaid Court on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions:

- i) He shall appear before the trial court on each date of substantive hearing subject to provision of Section 317 Cr.P.C.

4. Accordingly, the prayer for the anticipatory bail is allowed.
5. The application being CRM(A) 4585 of 2023 is disposed of.
6. The learned court below is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)