

19.12.2023
ML. 108
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 4864 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Chanchal** P.S. Case No. **1309 of 2022** dated **04.11.2022** under Sections **448/376D/323** IPC corresponding to G.R. Case No. **3056 of 2022** pending before the learned ACJM, Chanchal, Malda.

And

In the matter of: **Enamul & Ors.**

....petitioners.

Ms. Minoti Gomes
Mr. Asfak Ahammed

...for the petitioners.

Mr. Avishek Sinha

...for the State.

1. Heard learned Counsel for both the parties.
2. Considered the materials placed by them including the statement of the victim recorded under Section 164 Cr.P.C. wherein the victim has changed her allegation of ravishment and has stated that the petitioners tried to ravish her. The offence may be one under Sections 376/511 IPC or Section 354 IPC thereof *prima facie* but that depends on the scrutiny of the evidence in trial.
3. Regard being had to facts and submissions, factum of permanent residence of the petitioners, nature of allegation, nature of evidence and completion of investigation, it is directed that the petitioners shall surrender before the learned Additional Chief Judicial Magistrate, Chanchal, Malda within 15 days from today in the G.R. case No. 1309 of 2022 arising out of aforesaid P.S. case.
4. On their appearance and application for bail the petitioners shall be released on bail on such terms and conditions as

deemed just and proper in the facts and circumstances of the case.

5. The learned ACJM, Chanchal, Malda is directed to act upon the server copy of this order, if required.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being **CRM (A) 4864 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Ajay Kumar Gupta, J.)

