

20.03.2024

35

Ct. No. 29

S.D.

Allowed

C.R.M.(A) 875 of 2024

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Murutia** Police Station Case No. **84** of **2023** dated **06.04.2023** under Sections **341/509/376/511/325/354B/34** of the Indian Penal Code pending before the learned Additional Chief Judicial Magistrate, Tehatta, Nadia.

And

In Re : **Najrul Mondal @ Nazrul Mondal**

..... petitioner

Mr. Shahan Shah

...for the petitioner

Mr. Tanmoy Kumar Ghosh, Ld. S.G.A.,

Mr. A.S. Chatterjee

...for the State

Apparently, there are two police complaints with regard to the same incident. Police initially registered a First Information Report on the basis of the complaint of the defacto-complainant where provision of Section 376 of the Indian Penal Code, 1860 were not attracted. Subsequently, on an order passed under Section 156(3) of the Cr.P.C., the present police complaint was lodged.

Defacto-complainant recorded a statement under Section 164 of the Cr.P.C.

Corroborating materials with regard to such Section 164 statement are not present, at this stage, in the case diary.

Materials in the case diary do not suggest requirement of placing the petitioner in custody for interrogation.

In such circumstances, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner will report before the Investigating Officer once a fortnight till the conclusion of the investigation. The petitioner shall appear on every date before the Jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)