

05.08.2024
Court No.29
Item No. ML-4

Allowed

sg

CRM (A) 1702 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS, in connection with Ranigunj Police Station Case No. 110 of 2024 dated 24.03.2024 under Sections 363/366/368 of the Indian Penal Code, pending before the learned Additional Chief Judicial Magistrate, Asansol, Paschim Burdwan.

And

In Re: **Salim Khan**

Petitioner

Mr. Amitabha Ghosh
Ms. Nabanita Chatterjee
Ms. Arpita Dhar

For the Petitioner

Mr. Arijit Ganguly
Ms. Puspita Saha

For the State

1. The petitioner is the maternal uncle of the victim. It is submitted on behalf of the petitioner that he has been falsely implicated.
2. The learned Counsel appearing on behalf the State has produced the report of the Officer-in-Charge, Missing Person Bureau, Criminal Investigation Department, West Bengal, wherefrom it appears that on 2nd August, 2024, the missing woman along with her child has been recovered and the statement of the victim was recorded audio visually.
3. The statements of the victim, sister and sister's husband have been recorded under Section 161 of the Code of Criminal Procedure. It prima facie appears that she had voluntarily left the house of her husband on her own accord and

is leaving separately since then with her son and she is not willing to return to her husband's house.

4. Considering the materials available in the case diary and the nature and extent of complicity of the petitioner in the commission of alleged offence and having regard to the fact that statement of the victim which does not make any specific allegation against the present petitioner, we are of the view that the custodial interrogation of the present petitioners is not necessary.
5. Accordingly, we direct that in the event of arrest the petitioner namely, **Salim Khan**, shall be released on bail upon furnishing a bond of Rs.5,000/-, with one register surety of like amount, to the satisfaction of Arresting Officer, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita. The petitioner shall meet the I.O. once in a fortnight till the submission of final report.
6. In the event the petitioner fails to comply with any of the conditions as mentioned above, the trial court shall be at liberty to cancel their bail in accordance with law without any further reference to this Court.
7. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
8. CRM (A) 1702 of 2024 is, thus, disposed of.
9. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)