

15.07.2024

Court No.29

Item No. 74

Allowed

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CRM (A) 1933 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Tehatta Police Station Case No. 302 of 2024 dated 27.04.2024 corresponding to S.L No. 879 of 2024 under Sections 498A/325/307/506/34 of the Indian Penal Code.

In Re: Nripen Chandra Sarkar @ Nripen Ch. Sarkar

Petitioner

Mr. Arindam Jana

Mr. Ashraf Mondal

For the Petitioner

Mr. Arindam Sen

Mr. Nirupam Dhali

For the State

1. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the instant case.
2. Learned counsel for the State has produced the case diary and statement of the victim recorded under Section 164 Cr.P.C.
3. Considering the materials available in the case diary, the nature of injury and the statement of the victim recorded under Section 164 Cr.P.C where the allegation of strangulation has not been made, we are of the view that custodial interrogation of the petitioner is not necessary.
4. Accordingly, we direct that in the event of arrest, the petitioner namely, **Nripen Chandra Sarkar @ Nripen Ch. Sarkar** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner shall meet the Investigating Officer once in a week or as and when called

for till the submission of the final report and shall not leave the jurisdiction of the concerned police station except for attending the Court till the submission of the final report and on further condition that the petitioner shall appear before the learned Additional Chief Judicial Magistrate, Tehatta, Nadia within two weeks from date. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.

5. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
6. 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)