

27.06.2024

Court No.29

Item No. 07

Allowed

ar

CRM (A) 1979 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kirnahar Police Station Case No. 59 of 2024 dated 04.05.2024 corresponding to G.R. Case no. 611 of 2024 under Sections 498A/323/302/34 of the Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act.

And

In Re: **Ajnal Sk. @ Sanowar Sk. @ Aajnal Sekh**

Petitioner

Mr. Sujoy Sarkar

Mr. Rahul Chachar

For the Petitioner

Mr. Madhusudan Sur, Ld. APP

Mr. Monoranjan Mahata

For the State

1. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the instant case.
2. Learned counsel for the State in opposing the prayer for anticipatory bail submits that the name of the petitioner transpires from the statement of the neighbours and relatives of the deceased. The post-mortem report is placed before us wherefrom it appears that the cause of death is due to the effect of hanging and ante-mortem in nature.
3. Considering the materials available in the case diary, the nature of involvement of the petitioner in the commission of the alleged offence and considering the statement of the neighbours and the relatives of the petitioner it prima facie appears that the petitioner was not present on the date of occurrence, 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, **Ajnal Sk. @ Sanowar Sk. @ Aajnal Sekh** 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 on further condition that the petitioner shall not leave the district Birbhum without the leave of the learned Additional Chief Judicial Magistrate, Bolpur, Birbhum and the petitioner shall appear before the learned Additional Chief Judicial Magistrate, Bolpur, Birbhum within two weeks from date in connection with G.R Case No. 611 of 2024. 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)

