

02.07.2024

Court No.29

Item No. 37

**Partly
Allowed**

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CRM (A) 2039 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Nakshipara Police Station Case No. 408 of 2024 dated 28.04.2024 corresponding to G.R Case No. 2387 of 2024 under Sections 323/325/326/34 of the Indian Penal Code.

And

In Re: **Salim Mallick @ Mallick**

Petitioners

Mr. Sumanta Das

For the Petitioners

Mr. Soumik Ganguli

Ms. Sudipa Biswas

For the State

1. Considering the statement of the injured under Section 161 Cr.P.C read with injury report, we are not inclined to grant anticipatory bail to the **petitioner no. 1**. However, considering the nature and complicity of the **petitioner no. 2** in the commission of the alleged offence and considering the age of the petitioner no. 2, we are of the view that custodial interrogation of the petitioner no. 2 is not necessary.
2. Accordingly, we direct that in the event of arrest, the **petitioner no. 2** namely, **Momrez Mallick @ Mallick** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, 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 no. 2 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 no. 2 shall not leave the Nakashipara P.S without the leave of the

Investigating Officer and the petitioner no. 2 shall appear before the learned Chief Judicial Magistrate, Nadia within two weeks from date in connection with Nakshipara Police Station Case No. 408 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.

3. Accordingly, the prayer for anticipatory bail of the petitioner no. 2 is allowed and the same is accordingly disposed of.
4. 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)