

02.07.2024
Court No.29
Item No. 46

Allowed

sg

CRM (A) 2056 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Debra Police Station Case No. 333 of 2024 dated 31.05.2024 under Sections 498A/323/307/506 of the Indian Penal Code read with Section 3 of the D.P. Act, pending before the learned Chief Judicial Magistrate at Paschim Medinipur.

And

In Re: **Nimai Jana**

Petitioner

Mr. Siddhartha Sarkar
Mr. Hirak Roy

For the Petitioner

Ms. Zareen N. Khan
Ms. Trisha Rakshit

For the State

1. The learned Counsel for the petitioner submits that after 25 years of marriage, a false complaint of physical torture has been directed against the petitioner by the de-facto complainant.
2. The learned Counsel for the State, in opposing the prayer for the anticipatory bail, has referred to the statement of the petitioner as well as the neighbours recorded under Section 161 of the Code of Criminal Procedure.
3. 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 no injury report is available in the CD and also it appears from the statement of the de-facto complainant that the alleged injury is simple in nature, we of the view that custodial interrogation of the present petitioner is not necessary.

4. Accordingly, we direct that in the event of arrest the petitioner namely, **Nimai Jana**, 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, to the satisfaction of Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. The petitioner shall meet the I.O. once in a week and shall not leave the jurisdiction of District Paschim Medinipur without the permission of the Investigating Officer till the submission of the final report. The petitioner shall appear before the learned Chief Judicial Magistrate, Paschim Medinipur in connection with G.R. Case No. 1492 of 2024 within two weeks from date.
5. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
6. CRM (A) 2056 of 2024 is, thus, disposed of.
7. 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.)