

02.07.2024  
SL No.49  
Court No.29  
TN  
(Allowed)

**CRM (A) 2059 of 2024**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Harishchandrapur Police Station Case No.322 of 2024 dated 18.04.2024 under Sections 448/417/376/324 of the Indian Penal Code.

And

In the matter of : **Md Asamuddin @ Asamuddin @ Asabuddin.**  
- petitioner.

Mr. Md. Wasim Akram

....for the petitioner.

Mr. Imran Ali,  
Mr. Ratul Ghosh

... for the State.

1. The learned Counsel for the petitioner submits that the petitioner had a romantic relationship with the *de facto* complainant and out of rage a false complaint is lodged against the petitioner.
2. In spite of service, the victim is not represented.
3. The affidavit-of-service is kept with the record.
4. The learned Counsel for the State in opposing the prayer has referred to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and the injury report.
5. Considering the relationship between the petitioner and the *de facto* complainant and the nature and extent of complicity of the petitioner in the commission of the alleged offence, we are of the view that custodial interrogation of the petitioner is not necessary.

6. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Md Asamuddin @ Asamuddin @ Asabuddin** 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 the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner shall meet the Investigating Officer of the case once in a week or as and when required till submission of the final report and shall not enter the jurisdiction of the Harishchandrapur Police Station except for the purpose of meeting the Investigating Officer and for attending the court till submission of the final report.
7. It is further directed that the present accused petitioner shall appear before the learned Additional Chief Judicial Magistrate, Chanchal, Malda within two weeks from date and pray for regular bail.
8. Accordingly, the application for anticipatory bail is disposed of.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

**(Soumen Sen, J.)**

**(Uday Kumar, J.)**