

18.07.2024
SL No.24
Court No.29
(SSS)
(Allowed)

CRM (A) 2126 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Mothabari Police Station Case No.221 of 2024 dated 19.04.2024 under Sections 417/376/323/506/34 of the Indian Penal Code.

And

In the matter of : **Golam Eaj Dhani @ Biki.**

- Petitioner.

Md. Wasim Akram

.....For the petitioner.

Mr. S. S. Imam,

Mr. Sayan Dev Kumar

....For the State.

Mr. M. Chatterjee,

Mr. Manas Das

....For the De facto Complainant.

Mr. Navanil Dey,

Ms. Suveni Banerjee

.....For the Opposite Party No. 2.

1. Learned Counsel for the petitioner submits that the petitioner is in love relationship with the victim and due to which he has been falsely implicated.
2. Learned Counsel for the State and the de facto complainant have opposed the prayer for anticipatory bail.
3. Learned Counsel for the State has produced the case diary and refers to the medical report and the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

4. Considering the materials available in the case diary and having regard to the extent and nature of the dispute and involvement of the petitioner in the commission of alleged offence and noticing the apparent discrepancies between the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and the medical examination report, we are of the view that the custodial interrogation of the petitioner is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Golam Eaj Dhani @ Biki** shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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 deposit the mobile with the Investigating Officer for forensic examination within 24 hours without tampering with the said mobile. The petitioner shall not enter the Kaliachak Police Station without the permission of the Investigating Officer till the submission of the final report. It is further directed that the petitioner shall meet the Investigating Officer once in a week and shall not leave the jurisdiction of the Mothabari Police Station till the submission of the final report. It is further directed that the petitioners shall appear before the learned Chief Judicial Magistrate, Malda in connection with G.R.

Case No.2534 of 2024 and pray for regular bail within two weeks from date.

6. Accordingly, the application for anticipatory bail is disposed of.
7. 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.)