

02.09.2024

Court No.29

Item No.13

Allowed

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CRM (A) 2318 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Balagarh Police Station Case No. 253 of 2024 dated 28.05.2024 corresponding to G.R Case No. 1219 of 2024 under Sections 417/313/376(2)(n)/34 of the Indian Penal Code.

In Re: **Aparup Middya @ Aparup Midya**
Petitioner

Mr. Arunava Ganguly For the Petitioner

Mr. Arani Bhattacharyya For the State

Mr. Navanil De For the De-facto Complainant

1. The medical report is produced in Court and it is complete in all respect.
2. Heard the learned counsel for the parties.
3. Having regard to the statement of the victim recorded before the Medical Officer during her examination, which clearly rules out the pregnancy at the relevant point of time and it appears that the relationship between the petitioner and the de-facto complainant, prima facie, was consensual, 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, **Aparup Middya @ Aparup Midya** 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 corresponding to Section

482(2) of the BNSS, 2023. The petitioner shall meet the I.O once in a week till the submission of the final report and on further condition that the petitioner shall appear before the **learned Chief Judicial Magistrate, Hooghly**, within two weeks from date in connection with **G.R Case No. 1219 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)

(Shampa Dutt (Paul), J)