

24.07.2024
SL No.23
Court No.29
(gc)
(Partly Allowed)

CRM (A) 2449 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure read with Section 482 of BNSS, 2023 filed in connection with Malda Police Station Case No.140 of 2024, dated 16.03.2024 under Sections 448/323/354B/307/506/34 of the Indian Penal Code.

And

In the matter of : **Pouchu Ghosh @ Bapi Ghosh @ Bapi & Anr.**

- Petitioners.

Mr. Kalidas Saha,
Ms. Khushi Mollick,
Ms. Mandira Mandal

....For the Petitioners.

Ms. Sreyashee Biswas,
Mr. Samarjit Balial

... For the State.

1. Considering the materials available in the case diary, the statement of the victim recorded under Section 164 of the Cr.P.C. and considering the nature and extent of complicity of the petitioner no.1 in the commission of the alleged offence, the prayer for anticipatory bail of the petitioner no.1 is rejected.
2. However, there has been no specific allegation against the petitioner no.2. Accordingly, we are of the view that the custodial interrogation of the petitioner no.2 is not necessary.
3. Accordingly, we direct that in the event of arrest, the petitioner no.2, namely, **Baidyanath Ghosh @ Baijanath Ghosh**, 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. It is further directed that the petitioner no.2 shall appear before the learned Chief Judicial Magistrate, Malda in connection with G.R. Case No.1644 of 2024 within two weeks from date.

4. It is further directed that the petitioner no.2 shall appear each and every date of hearing before the Jurisdictional Court on and from the date fixed for appearance of the accused and in default the Jurisdictional Court will pass appropriate order to secure the presence of the petitioner no.2 in Court including cancelling the anticipatory bail granted without further reference to this Court.
5. Accordingly, the application for anticipatory bail is disposed of.
6. 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.)