

Court No. 29
(266041)

CRM (A) 2455 of 2024

05.08.2024

(A 13)

(S. Banerjee)

(Allowed)

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 in connection with Nabagram Police Station Case No. 92 of 2024 dated 02.03.2024 under Sections 448/376/506 of the Indian Penal Code, pending before the learned Additional Chief Judicial Magistrate, Lalbagh, Murshidabad.

And

In the matter of: **Priyanath Mondal**

...petitioner

Mr. Arnab Chatterjee
Ms. Poulami Bose

... for the petitioner

Md. Imran Ali
Mr. Nirupam Dhali

... for the State

1. Learned counsel for the petitioner submits that the petitioner is innocent and a false case has been lodged in view of an earlier complaint made by the petitioner on 23rd December, 2023.
2. The husband of the de facto complainant is present and has made submission and has opposed the prayer for anticipatory bail.
3. Learned counsel for the State has produced the case diary which contains the statement of the victim recorded under Section 164 Cr.P.C..
4. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in commission of the alleged offence and there appears to be a

case and counter-case between the parties and having regard to the fact that charge-sheet has already been filed, we are of the view that custodial interrogation of the petitioner is not necessary.

5. Accordingly, we direct that in the event of arrest, the petitioner (Priyanath Mondal) shall be released on bail upon furnishing a bond of Rs. 20,000/- with two sureties of like amount, one of whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973, corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.
6. The petitioner shall meet the investigating officer once in a week till filing of the final report and shall not enter the jurisdiction of Nabagram Police Station, except for the purpose of meeting the IO and attending the court and shall cooperate with the investigation. The petitioner shall furnish the information with regard to the place where he shall reside with all details to the investigating officer of PS Nabagram and also the Officer in Charge of the police station where he shall be residing in terms of this order. The petitioner shall appear before the learned Additional Chief Judicial Magistrate, Lalbag within two weeks.
7. Accordingly, the application for anticipatory bail is allowed.
8. All parties shall act on the server copy of this order duly downloaded from the official website of this court.

(Uday Kumar, J.)

(Soumen Sen, J.)