

29.07.2024
SL No.37
Court No.29
(gc)
(Partly Allowed)

CRM (A) 2511 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of BNSS, 2023 filed in connection with Kaliganj Police Station Case No.341 of 2024, dated 20.04.2024 under Sections 342/379/376/120B of the Indian Penal Code.

And

In the matter of : **Saifuddin Molla & Anr.**

- Petitioners.

Mr. Asraf Mandal

....For the Petitioners.

Mr. Sujoy Sarkar

... For the State.

1. The affidavit of service filed in Court is taken on record.
2. In spite of service, the victim is not represented.
3. Considering the materials available in the case diary and the statement of the victim recorded under Section 164 of the Cr.P.C. which shows specific involvement of the petitioner no.1, we are not inclined to grant anticipatory bail to the petitioner no.1.
4. Accordingly, the prayer for anticipatory bail of the petitioner no.1 is rejected.
5. However, considering the role of the petitioner no.2 in the commission of the alleged offence, we are of the view that the custodial interrogation of the petitioner no.2 is not necessary.
6. Accordingly, we direct that in the event of arrest, the petitioner no.2, namely, **Rofikul Mallick**, 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 corresponding to Section 482(2) of the BNSS, 2023. It is further directed that the petitioner no.2 shall meet the I.O. once in a week till the submission of the final report and shall not leave the jurisdiction of the Police Station Kaliganj.

7. It is further directed that the petitioner no.2 shall appear before the learned Chief Judicial Magistrate, Krishnagar, Nadia in connection with G.R. Case No.2228 of 2024 within two weeks from date.
8. 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.
9. Accordingly, the application for anticipatory bail is disposed of.
10. 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.)