

30.07.2024

Court No.29

Item No. 87

Allowed

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CRM (A) 2546 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Domkal Police Station Case No. 300 of 2024 dated 19.05.2024 corresponding to G.R Case No. 2538 of 2024 under Sections 448/376 of the Indian Penal Code..

And

In Re: **Sahamat Sk @ Seikh Sahamat**

Petitioner

Ms. Minoti Gomes For the Petitioner

Mr. Pravas Bhattacharya For the State

Mr. N. Seikh For the De-facto Complainant

1. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated. It is further submitted that the petitioner is business partner of the husband of the complainant and there was a dispute regarding distribution of income from the business between them, by that reason a false complaint has been lodged against the petitioner. It is also further submitted that incident took place on 29th February, 2024 but the complaint was lodged under Section 156(3) Cr.P.C on 27.03.2024, after a lapse of one month.
2. Learned counsel for the State and de-facto complainant have opposed the prayer for anticipatory bail.
3. We have read the petition under Section 156(3) Cr.P.C, the statement of the victim recorded under Section 164 Cr.P.C and the injury report, wherefrom it, prima facie, reveals that the victim was medically examined after four months from the date of occurrence. Moreover, there are

apparent discrepancies in the statement made in the application under Section 156(3) Cr.P.C and the statement of the victim recorded under Section 164 Cr.P.C. Moreover, the charge-sheet has already been filed.

4. In view of the aforesaid, 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, namely, **Sahamat Sk @ Seikh Sahamat** 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 and shall not enter the jurisdiction Domkol Police Station, except for attending the Court and for the purpose of meeting the O.C. The petitioner shall also inform the O.C regarding the present address, where he shall be presently residing and on further condition that the petitioner shall appear before the learned Chief Judicial Magistrate, Berhampore, Murshidabad, corresponding to G.R Case No. 2538 of 2024 within two weeks from date and the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever. It is further ordered that the petitioner shall appear on every date before the aforesaid Court on and from the date fixed for appearance of the accused. 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.
6. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.

7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar , J)