

01.08.2024
SL No.12
Court No.29
(gc)
(Allowed)

CRM (A) 2587 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 Polba Police Station Case No.178 of 2024 dated 28.06.2024 under Sections 376/313/506 of the Indian Penal Code.

And

In the matter of : **Farhad Ahamed**

- Petitioner.

Mr. Mazhar Hossain Chowdhury,
Ms. Debika Baidya

....For the Petitioner.

Mr. Binay Kr. Panda,
Mr. Aritra Bhattacharya

... For the State.

1. The affidavit-of-service filed in Court is kept with the record.
2. In spite of service, the de facto complainant is not represented.
3. The learned Counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated.
4. The learned Counsel for the State has produced the case diary.
5. It appears from the case diary that the statement of the de facto complainant under Section 161 of the Cr.P.C. is at variance with the statement made under Section 164 of the Cr.P.C. and the victim has clearly stated that she wants to withdraw the case.
6. Considering the materials available in the case diary and the nature and extent of complicity of the petitioner in the commission of the alleged offence and having regard to the fact that the statement recorded under Section 164 of the Cr.P.C. and also having regard to the fact that prima facie ingredient of

Section 313 I.P.C is not supported by any medical report, we are inclined to grant anticipatory bail to the petitioner.

7. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Farhad Ahamed**, 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 shall meet the I.O. once in a month till the submission of the final report.
8. It is further directed that the petitioner shall appear before the learned Chief Judicial Magistrate, Chinsurah, Hooghly in connection with G.R. Case No.2168 of 2024 within two weeks from date.
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.)