

21.08.2024  
SL No.37  
Court No.29  
(gc)  
(Allowed)

**CRM (A) 2581 of 2024**

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, 2023 filed in connection with Manickchak Police Station Case No.1020 of 2023 dated 11.12.2023 under Sections 498A/323/325/307/427 506/34 of the Indian Penal Code.

And

In the matter of : **Sk. Bapan**

- Petitioner.

Mr. Kazi M. Rahaman

....For the Petitioner.

Mrs. Faria Hossain, Ld. A.P.P.,

Mr. Dipankar Mahata

... For the State.

Mr. Sauradeep Dutta

....For the De facto Complainant.

1. The petitioner is the husband of the de facto complainant. It is submitted on behalf of the petitioner that due to matrimonial disputes and differences, a false complaint has been lodged. The petitioner is married to the de facto complainant for the last two years.
2. The learned Counsel for the State and the de facto complainant have opposed the prayer for anticipatory bail.
3. It is submitted on behalf of the State as well as the de facto complainant that the petitioner has been physically and mentally tortured and has been beaten up ruthlessly.
4. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence and having considered the injury report which appears to be simple in nature and also having regard to the fact that the 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, namely, **Sk. Bapan**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, 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.
6. It is further directed that the petitioner shall appear before the learned Chief Judicial Magistrate, Malda in connection with G.R. Case No.8437 of 2023 within two weeks from date.
7. It is further directed that the petitioner 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 in Court including cancelling the anticipatory bail granted without further reference to this Court.
8. Accordingly, the application for anticipatory bail is disposed of.
9. 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.)**