

01.08.2024

Court No.29

Item No. 24

Allowed

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CRM (A) 2604 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 in connection with Bhatpara Police Station Case No. 625 of 2023 dated 01.09.2023 corresponding to G.R. Case No. 7328 of 2023 under Sections 448/325/313/354/506/34 of the Indian Penal Code.

And

In Re: Satish Kumar Shaw @ Tinku

Petitioner

Mr. Subhajit Chowdhury

For the Petitioner

Ms. Amita Gaur

Ms. Mamata Jana

For the State

1. Learned counsel for the petitioner submits that the petitioner is innocent and there has been a family dispute with regard to the shares in the property. As a result of this, a false complaint has been lodged against the petitioner.
2. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of the victim recorded under Section 164 Cr.P.C and the medical report.
3. 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 regard to the statement of the victim the petitioner is not responsible for miscarriage and the fact that the charge-sheet has already been filed, we are of the view that custodial interrogation of the petitioner is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Satish Kumar Shaw @ Tinku** 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 on further condition that the petitioner shall appear before the learned Additional Chief Judicial Magistrate, Barrackpore, corresponding to G.R. Case No. 7328 of 2023 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.
5. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
6. 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)

