

28.08.2024
SL No.16
Court No.29
P.A. - DK
Allowed

CRM (A) 2636 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 in connection with Egra Police Station Case No. 387 of 2024 dated 18.06.2024 under Section 376 of the Indian Penal Code pending before the Learned Additional Chief Judicial Magistrate, Contai, Purba Medinipur

And
In the matter of : **Rajesh Khan.**

- Petitioner.

Mr. Sabir Ahmed,
Mr. Bhaskar Hutait,
Mr. Swaman Sarkar

.....For the Petitioners.

Mr. Soumik Ganguly,
Mr. Debanshu Ghorai

....For the State.

Ms. Roma Roy

....For the De facto Complainant.

1. Pursuant to the notice the victim is represented by an Advocate appointed by the Calcutta High Court Legal Services Committee.
2. The Learned Counsel for the petitioner submits that due to long standing family dispute a false complaint has been lodged against the petitioner.
3. The Learned Counsel for the State and the de facto complainant have opposed the prayer for anticipatory bail. Our attention is drawn to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, 1973.

4. Considering the material available in the case diary and the nature and extent of complicity of the petitioner in the commission of alleged offence the statement of the victim and read with the medical report and the nature of injury as revealed from such report and also having regard to the fact that charge-sheet has already been filed, we are of the view that custodial interrogation of the petitioner is not required.
5. Accordingly, we direct that in the event of arrest, the petitioner, namely Rajesh Khan shall be released on bail upon furnishing a bond of Rs. 10,000/- with two registered sureties of like amount, 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 present accused petitioner shall appear before the learned Additional Chief Judicial Magistrate, Contai, Purba Medinipur in connection with G.R.(E) No. 627 of 2024 within two weeks from date.
7. Accordingly, the application for anticipatory bail is disposed of.
8. The report along with notice served upon the victim is taken on record.
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.)