

08.08.2024
Sl No.12
Court No.29
TN
(Allowed)

CRM (A) 2717 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Kharagpur Local Police Station Case No. 544 of 2024 dated 03.07.2024 under Sections 498A/323/325/307/379/34 of the Indian Penal Code, 1860.

And

In the matter of : **Sri Sanjay Kumar Nag**

.... petitioner

Ms. Sreeparna Das,
Ms. Sananda Ganguli,
Mr. Shubradip Roy

....for the petitioner

Mr. Amit Ranjan Pati

....for the *de facto* complainant

Mr. Pravash Bhattacharya,
Ms. Suruchi Saha

... for the State

1. The learned counsel for the petitioner submits that a third FIR has been lodged on the self-same issue and the petitioner is presently on bail in respect of the earlier two FIRs. It is submitted that the victim filed a proceeding under Section 12 of the Protection of Women from Domestic Violence Act, 2005 and on 10th July, 2024 the matter was withdrawn on the basis of the statement of the victim that she is no longer interested in proceeding with the case since the dispute has been settled out of court. The present FIR was lodged on 3rd July, 2024.

2. The learned counsel for the victim has opposed the prayer and submits that the petitioner is disturbing the child and the wife.
3. The learned counsel for the State has produced the case diary.
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 regard to the fact that subsequent to the filing of the present FIR in other proceeding the victim has prayed for withdrawal on the ground that the disputes between the parties have been settled, we are of the view that the custodial interrogation of the petitioner is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Sri Sanjay Kumar Nag** 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.
6. The petitioner shall meet the Investigating Officer once in a fortnight till submission of the final report.
7. It is further directed that the present accused petitioner shall appear before the learned Chief Judicial Magistrate, Kharagpur, Paschim Medinipur within two weeks from date and pray for regular bail.

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.)