

08.08.2024
Sl No.07
Court No.29
TN
(Allowed)

CRM (A) 2712 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 Hogalberia Police Station Case No. 238 of 2023 dated 15.10.2023 under Sections 448/354/376/511 & 34 of the Indian Penal Code.

And

In the matter of : **Jahirul Mondal**

.... petitioner

Mr. Sumanta Das

....for the petitioner

Mr. Atif Ahmed Siddiqui

... for the State

1. In spite of service, the *de facto* complainant is not represented.
2. Considering the materials available in the case diary, the nature and extent of involvement of the petitioner in the commission of the alleged offence and having regard to the fact that the petitioner has declined medical examination, we are inclined to allow this application.
3. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Jahirul Mondal** 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.

4. The petitioner shall not enter the jurisdiction of the police station where the victim is residing. The petitioner shall not leave the District: Nadia without the permission of the jurisdictional court, except for the purpose of attending the court.
5. It is further directed that the present accused petitioner shall appear before the learned Additional Chief Judicial Magistrate, Tehatta at Nadia within two weeks from date and pray for regular bail.
6. 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 presence of the petitioner in court including cancelling the anticipatory bail granted without further reference to this court.
7. Accordingly, the application for anticipatory bail is disposed of.
8. 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.)