

27.08.2024
Sl No.24
Court No.29
TN
(Allowed)

CRM (A) 2776 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 Nakashipara Police Station Case No.524 of 2024 dated 10.06.2024 under Sections 448/376/511/506 of the Indian Penal Code.

And

In the matter of : **Rajesh Sarkar**

.... petitioner

Mr. Sumanta Das

....for the petitioner

Ms. Afreen Begum

....for the *de facto*
complainant/victim

Mr. Prasun Kumar Dutta, Ld. APP,
Mr. Samarjit Balial

... for the State

1. Considering the materials available in the case diary and the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and also having regard to the fact that the victim has refused to undergo medical examination and there is claim and counter-claim with regard to the money borrowed by the husband of the victim which he had not repaid, a chance of false implication, *prima facie*, remains and accordingly, we are of the view that custodial interrogation of the petitioner is not necessary.
2. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Rajesh Sarkar** 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.

3. The petitioner shall meet the Investigating Officer once in a week till submission of the final report.
4. It is further directed that the present accused petitioner shall appear before the learned Chief Judicial Magistrate, Krishnagar at Nadia within two weeks from date and pray for regular bail.
5. Accordingly, the application for anticipatory bail is disposed of.
6. 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.)