

29.08.2024
Sl No.16
Court No. 29
TN
(Allowed)

CRM (A) 2777 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 Bizpur Police Station Case No.86 of 2024 dated 02.05.2024 under Sections 323/363/364/366/376/385/420/120B of the Indian Penal Code.

And

In the matter of : **Jafar Ali @ Jafr Ali**

.... petitioner

Mr. Uttam Banerjee,
Mr. Dinabandhu Das,
Mr. Prithwiraj Biswas,
Mr. Aniruddha Singha Roy

....for the petitioner

Mr. Arnab Chatterjee,
Mr. Ayan Kumar Boral

... for the *de facto* complainant

Mr. Ranadeb Sengupta,
Mr. Kaustav Banerjee

....for the State

1. Heard the learned counsel for the parties including the counsel for the *de facto* complainant.
2. 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 recorded under Section 164 of the Code of Criminal Procedure which does not *prima facie* support the case under Section 376 CrPC and also having regard to the discrepancy in the statement of the victim recorded under Section 164 CrPC read with the complaint

lodged, we are of the view that custodial interrogation of the petitioner is not necessary.

3. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Jafar Ali @ Jafr Ali** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, 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 meet the Investigating Officer once in a week till submission of the final report.
5. It is further directed that the present accused petitioner shall appear before the learned Additional Chief Judicial Magistrate, Barrackpore, North 24 Parganas within two weeks from date and pray for regular bail.
6. Accordingly, the application for anticipatory bail is disposed of.
7. 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.)