

12.08.2024
Court No.29
Item No. 78

Allowed

sg

CRM (A) 2791 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS, in connection with Thanarpara Police Station Case No. 166 of 2024 dated 19.06.2024 under Sections 341/325/326/506/34 of the Indian Penal Code, pending before the learned Additional Chief Judicial Magistrate, Tehatta, Nadia.

And

In Re: **Hanif Mondal**

Petitioner

Mr. Asraf Mandal

For the Petitioner

Mr. Shekhar Barman

For the State

Mr. Arindam Jana

Mr. Siddhrtha Sankar Mondal

Ms. Arunima Das Sharma

For the defacto complainant

1. The learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated.
2. The learned Counsel appearing on behalf the State, in opposing the prayer for anticipatory bail, has referred to the statement of the injured and the injury report.
3. The learned Counsel for the defacto complaint has also opposed the prayer for anticipatory bail.
4. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of alleged offence, the nature of the injured which shows lacerative cut injury in left index ring and cut

injury is not grievous in nature, we are of the view that the custodial interrogation of the present petitioner is not necessary.

5. Accordingly, we direct that in the event of arrest the petitioner namely, **Hanif 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 Arresting Officer, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita. The petitioner shall meet the I.O. once in a week till the submission of final report and shall appear before the learned Additional Chief Judicial Magistrate, Tehatta, Nadia within two weeks from date.
6. In the event the petitioner fails to comply with any of the conditions as mentioned above, the trial court shall be at liberty to cancel his bail in accordance with law without any further reference to this Court.
7. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
8. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)