

02.09.2024
A-22
Court No.29
TN
(Allowed)

CRM (A) 2832 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 English Bazar Women Police Station Case No.172 of 2021 dated 13.09.2021 under Sections 376/417/313/506 of the Indian Penal Code.

And

In the matter of: **Praveen Kumar Yadav**

.... petitioner

Mr. Sagnik Basu,
Ms. Kakali Naskar

....for the petitioner

Mr. Amit Roy

... for the victim (DLSA)

Ms. Anasuya Sinha, Ld. APP,
Mr. Rajes Jana

....for the State

1. The learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated.
2. The learned counsel for the State and the *de facto* complainant in opposing the prayer has referred to the case diary. It is, however, fairly submitted on behalf of the State that the statement of the *de facto* complainant does not implicate the petitioner.
3. 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 *de facto* complainant which does not directly implicate the petitioner for the commission of the alleged offence and the materials available in the case diary

does not *prima facie* establish an offence under Section 313 of the Code of Criminal Procedure, we are of the view that custodial interrogation of the petitioner is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Praveen Kumar Yadav** 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.
5. The petitioner shall meet the Investigating Officer as and when required.
6. It is further directed that the present accused petitioner shall appear before the learned Chief Judicial Magistrate, Malda within two weeks from date and pray for regular bail.
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.)

(Shampa Dutt (Paul), J.)