

19.08.2024
SL No.23
Court No.29
(gc)
(Allowed)

CRM (A) 2807 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Pandua Police Station Case No.330 of 2024 dated 17.06.2024 under Sections 417/376 of the Indian Penal Code corresponding to Section 318(2)/64 of the BNS, 2023.

And

In the matter of : **Baburam Hansda**

- Petitioner.

Mr. Subhendu Bandyopadhyay,
Mr. Suman Chakraborty,
Mr. Abhishek Chakraborty
....For the Petitioner.

Mr. Soumik Ganguly,
Mr. Tapas Kumar Saha
... For the State.

1. In spite of service, the victim is not represented.
2. The learned Counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated.
3. The learned Counsel for the State in opposing the prayer for anticipatory bail has submitted that the petitioner is a government employee and attached to Alipore Body Guard Line. It is submitted that the victim in her statement recorded under Section 164 Cr.P.C. has directly implicated the petitioner. It is alleged that the petitioner became physically intimated with the victim on assurance of marriage. It is, however, submitted that the petitioner has refused to medical examination.
4. 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 the relationship between the parties as revealed from the statement of the victim recorded under

Section 164 Cr.P.C, we are of the view that custodial interrogation of the petitioner is not necessary.

5. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Baburam Hansda**, 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 and the petitioner shall meet the I.O. once in a fortnight till the submission of the final report.
6. It is further directed that the petitioner shall not leave the jurisdiction of State of West Bengal without the permission of the I.O. except for the purpose of attending the Court.
7. We direct the I.O. to conclude the investigation as expeditiously as possible.
8. It is further directed that the petitioner shall appear before the learned Chief Judicial Magistrate, Hooghly in connection with G.R. Case No.1988 of 2024 within two weeks from date.
9. Accordingly, the application for anticipatory bail is disposed of.
10. 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.)