

02.09.2024

Court No.29

Item No.16

Allowed

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CRM (A) 2811 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 in connection with Harishchandrapur Police Station Case No. 1228 of 2023 dated 03.12.2023 corresponding to G.R Case No. 3813 of 2023 under Sections 417/376 of the Indian Penal Code.

In Re: **Abdul Basir**

Petitioner

Mr. Debayan Ghosh

Mr. Poulami Bose

For the Petitioner

Ms. Sonali Das

Ms. Suruchi Saha

For the State

Ms. Dhanasree Biswas

For the De-facto Complainant

1. Heard the learned counsel for the petitioner including 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 Cr.P.C, which, prima facie, does not corroborate the medical examination report, 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, **Abdul Basir** 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, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of

Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023. The petitioner shall meet the I.O once in a week till the submission of the final report and on further condition that the petitioner shall appear before the **learned Additional Chief Judicial Magistrate, at Chanchal, Malda**, within two weeks from date in connection with **G.R Case No. 3813 of 2023**. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.

4. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
5. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Shampa Dutt (Paul), J)