

22.08.2024

Court No.29

Item No.06

Allowed

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CRM (A) 2852 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 Gangarampur Police Station Case No. 272 of 2024 dated 01.06.2024 corresponding to G.R Case No. 572 of 2024 under Sections 341/376/302 of the Indian Penal Code.

In Re: **Pradip Roy**

Petitioner

Ms. Jeenia Rudra

For the Petitioner

Mr. Rudradipta Nandy, Ld. APP

Ms. Sanjana Saha

For the State

1. In spite of service, the de-facto complainant is not represented. Affidavit of service filed in Court is taken on record.
2. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated.
3. Learned counsel for the State has produced the case diary.
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 statement of the victim recorded under Section 164 Cr.P.C does not corroborate with the post-mortem report and the statement of the other witnesses, 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, **Pradip Roy** 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, Buniadpur, Dakshin Dinajpur, within two weeks from date. 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.

6. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
7. 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)