

19.8.2024
SL Nos. 42
Ct No. 29
SB

CRM (A) 2853 of 2024

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure / Section 482 of B.N.S.S. Act, 2023 filed in connection with Tehatta Police Station Case No. 487 of 2024 dated 05.7.2024 under Sections 329(4) /64 /62 /110 /117(2) of Bharatiya Nyaya Sanhita 2023.

And
Narayan Biswas @ Narayan Chandra Biswas
Vs.
The State of West Bengal & Anr.

Mr. Parthapratim Das	
Mr. Monojit Chakraborty	... for the Petitioner
Ms. Z. N. Khan	
Mr. Dipankar Paramanick	... for the State
Mr. Atis Kr. Biswas	
Mr. Amit Singh	... for the de facto complainant

1. Heard the learned advocates for the parties.
2. Petitioner is a retired army personnel. He appears to be in a relationship with the mother of the de facto complainant.
3. Learned counsel appearing for the petitioner submits that the said relationship became sour and out of vengeance a false complaint has been lodged against the petitioner.
4. Learned counsel appearing for the de facto complainant, however, opposes the prayer for anticipatory bail.
5. Learned counsel appearing for the State has produced the case diary, injury report and the statement of the victim.
6. Considering the materials available in the case diary and nature and extend of complicity of the petitioner in the commission of the alleged offence and prima facie shows that petitioner having a relationship with the mother of the de facto complainant and having regard to the nature of injury which does not appears to be grievous in nature and the

circumstance that such incident have occurred, we are of the view that custodial interrogation of the petitioner is not necessary.

7. Accordingly, we direct that in the event of arrest, the petitioner namely, Narayan Biswas @ Narayan Chandra Biswas shall be released on bail upon furnishing a bond of Rs.10,000/- 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.
8. It is further directed that the present petitioner shall appear before the learned Chief Judicial Magistrate, Tehatta within two weeks from date and pray for regular bail.
9. In default the Jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court
10. Accordingly, the application for anticipatory bail is disposed of.
11. 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.)