

19.8.2024
SL Nos. 40
Ct No. 29
SB

CRM (A) 2851 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 Krishnagar Women Police Station Case No. 28 of 2024 dated 26.4.2024 under Sections 448/325/354B/307/34 of Indian Penal Code.

And
Kahirul Sk. @Khairul Sk.
Vs.
The State of West Bengal

Mr. Habibur Rahaman	
Mr. Archisman Singh	... for the Petitioner
Mr. Sudip Kumar	
Mr. Suparna Chatterjee	... for the State

1. Heard the learned advocates for the parties.
2. Learned counsel appearing for the petitioner submits that on the self same incident on different dates two separate complaints have been filed. The later complaint was by way of the petition under Section 156(3) of Cr.P.C in which the earlier complaint was not disclosed. It is submitted that in the Kaliganj P.S. Case No. 266 of 2024 all the accused persons including the petitioner was granted bail by the Sessions Judge, Nadia upon consideration of the injury report and other materials available in the case diary. However, on consideration of the self-same injury report, the date of occurrence being the same, the bail was rejected.
3. It is submitted that in view of the order passed earlier and having regard to the nature of involvement of the petitioner in the commission of alleged offence, the petitioner is entitled to anticipatory bail.
4. Learned counsel appearing for the State in opposing the prayer, however, does not deny that the injury report that was considered

earlier was also considered in the subsequent Krishnanagar Women P.S. Case No. 28 of 2024. It is however submitted that having regard to the injury, the prayer for anticipatory bail may be rejected.

5. On consideration the materials available in the case diary and nature and extend of complicity of the petitioner in the commission of the alleged offence and involvement of the petitioners and having regard to the nature of injury sustained to the petitioner, we are of the view that custodial interrogation of the petitioner is not necessary.
6. Accordingly, we direct that in the event of arrest, the petitioner namely, Kahirul Sk.@ Khairul Sk. 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.
7. It is further directed that the present petitioner shall appear before the learned Chief Judicial Magistrate, Krishnagar, Nadia within two weeks from date and pray for regular bail.
8. 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
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.)