

02.09.2024
A-24
Court No.29
TN
(Allowed)

CRM (A) 2856 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Kaliachak Police Station Case No.1063 of 2023 dated 07.08.2023 under Sections 498A/323/307/354/34 of the Indian Penal Code.

And

In the matter of: **Manu Sk. @ Md. Arif Sk**

.... petitioner

Mr. Mrityunjoy Chatterjee,
Mr. Manas Das,
Mr. Akash Sarkar,
Mr. Arindam Poali

....for the petitioner

Ms. Suchismita Dutta

... for the *de facto* complainant

Ms. Anasuya Sinha, Ld. APP,
Ms. Mousumi Sarkar

....for the State

1. Heard the learned counsel for the parties including the learned counsel for the *de facto* complainant.
2. Considering the materials available in the case diary and the statement of the victim recorded under Section 164 of the Code of Criminal Procedure which *prima facie* exonerate the present petitioner and the main allegations are against the father-in-law and the mother-in-law, both of whom have been enlarged on bail, and having regard to the fact that the charge sheet has already been filed, 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, **Manu Sk. @ Md. Arif Sk.** shall be

released on bail upon furnishing a bond of Rs.5,000/-, with two registered sureties of like amount each, 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.

4. It is further directed that the present accused petitioner shall appear before the learned Chief Judicial Magistrate, Malda within two weeks from date and pray for regular bail.
5. It is further directed that the petitioner shall appear each and every date of hearing before the jurisdictional court on and from the date fixed for appearance of the accused and in default the jurisdictional court will pass appropriate order to secure presence of the petitioner in court including cancelling the anticipatory bail granted without further reference to this court.
6. Accordingly, the application for anticipatory bail is disposed of.
7. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Shampa Dutt (Paul), J.)