

02.09.2024
A-25
Court No.29
TN
(Allowed)

CRM (A) 2859 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 Balurghat Police Station Case No.520 of 2024 dated 05.07.2024 under Sections 417/376 of the Indian Penal Code, 1860.

And

In the matter of: **Prodip Sarkar @ Prodip Chandra Sarkar**
.... petitioner

Mr. Amitabha Ghosh,
Ms. Nabanita Chatterjee,
Ms. Arpita Dhar

....for the petitioner

Ms. Tannishtha Bandyopadhyay,
Mr. Kunal Ganguly

... for the *de facto*
complainant/victim

Ms. Sreyashee Biswas,
Mr. Nirupam Dhali

....for the State

1. Heard the learned counsel for the parties.
2. The learned counsel for the State and the *de facto* complainant in opposing the prayer has referred to the statement of the *de facto* complainant under Section 183 of the BNSS, 2023.
3. 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 relationship *prima facie* appears to be consensual as revealed from the statement of the *de facto* complainant recorded under Section 183 of the BNSS, 2023, we are of the view that custodial interrogation of the petitioner is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Prodip Sarkar @ Prodip Chandra Sarkar** shall be released on bail upon furnishing a bond of Rs.10,000/-, 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.
5. The petitioner shall meet the Investigating Officer once in a fortnight till submission of the final report.
6. It is further directed that the present accused petitioner shall appear before the learned Chief Judicial Magistrate, Balurghat, Dakshin Dinajpur within two weeks from date and pray for regular bail.
7. The report is kept on record.
8. Accordingly, the application for anticipatory bail is disposed of.
9. 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.)