

02.09.2024
A-26
Court No.29
TN
(Allowed)

CRM (A) 2862 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 Gangarampore Police Station Case No.183 of 2024 dated 19.04.2024 under Sections 448/376D/323/506/34 of the Indian Penal Code, 1860.

And

In the matter of: **Sree Krishna Soren and others**

.... petitioners

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

....for the petitioners

Mr. Anindya Ghosh,
Ms. Sunita Sarkar

... for the victim

Mr. Sauradeep Dutta

....for the victim (through legal Aid)

Ms. Faria Hossain, Ld. APP,
Ms. Shaila Afrin

....for the State

1. The learned counsel for the petitioners submits that the petitioners are innocent and they are the witnesses for prosecution in which the husband of the complainant in the present case is an accused. It is submitted that they have been falsely implicated.
2. The learned counsel for the State and the *de facto* complainant have opposed the prayer for anticipatory bail. The learned counsel for the State has referred to the statement of the victim recorded under Section 164 of the

Code of Criminal Procedure and submits that all the petitioners have been implicated.

3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence and having regard to the statement of the victim read with the medical examination report which *prima facie* does not support the case of the victim, we are of the view that custodial interrogation of the petitioners is not necessary.
4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Sree Krishna Soren, Chandan Murmu** and **Somai Kisku** respectively shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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 petitioners shall meet the Investigating Officer as and when required.
6. It is further directed that the present accused petitioners shall appear before the learned Additional Chief Judicial Magistrate, Gangarampore at Buniadpore 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.)