

20.08.2024
Sl No.27
Court No.29
TN
(Allowed)

CRM (A) 2872 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 Bharatpur Police Station Case No.131 of 2024 dated 18.05.2024 under Sections 302/201/34 of the IPC, 1860.

And

In the matter of : **Milan Bagdi**

.... petitioner

Mrs. Shabana Hasin,
Mr. Manas Kumar Das,
Mr. Aritra Kumar Thakdar

....for the petitioner

Mr. Madhusudan Sur, Ld. APP,
Shaila Afrin

... for the State

1. The learned counsel for the petitioner submits that the petitioner was not present at the place of occurrence and he has been falsely implicated.
2. The learned counsel for the State in opposing the prayer has referred to the confessional statement of Karuna, the principal accused, and one of the seizure list witnesses who claimed to have heard Karuna naming the present petitioner as the person present who helped Karuna to screen the evidence after the occurrence.
3. Considering the materials available in the case diary and the nature and extent of complicity of the petitioner in the commission of the alleged offence and that the evidentiary value of the statement of Karuna and the seizure list witnesses are required to be assessed at the time of trial and

he does not appear to be the principal accused, 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, **Milan Bagdi** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, 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, corresponding to Section 482(2) of the BNSS, 2023.
5. It is further directed that the present accused petitioner shall appear before the learned Additional Chief Judicial Magistrate at Kandi, Murshidabad within two weeks from date and pray for regular bail.
6. 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.
7. Accordingly, the application for anticipatory bail is disposed of.

8. 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.)