

22.08.2024
Sl No.14
Court No. 29
TN
(Allowed)

CRM (A) 2897 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 (as amended upto date), corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Sagardighi Police Station Case No.15 of 2024 dated 07.01.2024 under Sections 323/326/354B/307/34 of the Indian Penal Code, 1860.

And

In the matter of: **Arif Seikh alias Arif Sk**

.... petitioner

Mr. Kusal Kumar Mukherjee,
Mr. Narattam Acharyya

....for the petitioner

Mr. Zareen N. Khan,
Mr. Samarjit Balial

... for the State

1. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated. It is further submitted that charge sheet has already been filed on 29th February, 2024.
2. The learned counsel for the State in opposing the prayer has referred statement of the injured and other witnesses recorded under Section 161 of the Code of Criminal Procedure.
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 the injury report which suggests that the injury is simple in nature and having regard to the fact that charge sheet has already been filed, we are of

the view that the custodial interrogation of the petitioner is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Arif Seikh alias Arif Sk** 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, Jangipur Court, Murshidabad within ten days from date and pray for regular bail.
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.)

(Uday Kumar, J.)