

12.09.2024

Court No.29

Item No.08

Allowed

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CRM (A) 2929 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Asansol South Police Station Case No. 17 of 2024 dated 11.01.2024 corresponding to SPL(SC/ST) Case No. 2 of 2024 under Sections 420/376/406/34 of the Indian Penal Code read with Section 3(e)(w) of S.C and S.T (POA) Act, 1989.

In Re: **Ashish Shaw**

Mr. Apurba Kumar Datta Petitioner
For the Petitioner

Ms. Amita Gaur
Mr. Arabinda Manna For the State

1. Heard the learned counsel for the parties.
2. 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 fact that the relationship of two adult persons appears to be consensual in nature, 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, **Ashish Shaw** shall be released on bail upon furnishing a bond of Rs.5,000/-, with two registered sureties of like amount each, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023. The petitioner shall meet the I.O once in a fortnight till the submission of the final report and on further condition that the petitioner shall appear before the **learned Additional Sessions Judge, 1st Court, Asansol, Paschim**

Bardhaman, within two weeks from date in connection with **SPL (SC/ST) Case No. 2 of 2024**. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.

4. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
5. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Prasenjit Biswas, J)