

12.09.2024
Court No.29
Item No. 10

Allowed
sg

CRM (A) 2935 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS, in connection with Harishchandrapur Police Station Case No. 507 of 2024 dated 21.06.2024 under Sections 448/376/325/307/506/34 of the Indian Penal Code, pending before the learned Additional Chief Judicial Magistrate, Chanchal, Malda.

And

In Re: **Sk. Sajjad Ali @ Sajjad Ali.**

Petitioner

Mrs. Sujata Das

For the Petitioner

Ms. Subhasree Patel

For the State

Mr. Soham Banerjee

For the defacto complainant

1. The affidavit of service filed in Court today is taken on record.
2. The learned Counsel for the petitioner submits that after the petitioner was released on regular bail in another case between the same parties in connection with an offence alleged to have been taken place on 17th May, 2024 in the morning, a false complaint has been lodged after 45 days over an incident that had occurred on 16th May, 2024 in the midnight. It is submitted that out of vengeance, the said complaint has been filed.
3. The learned Counsel for the defacto complainant and the State 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, the injury report of the husband of the victim.

4. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of alleged offence and having regard to the fact that the second complaint was lodged after the petitioner was released on bail in connection with an offence as claimed to have taken place on the same day in the morning, possibility of false implication of the petitioner could not be ruled out and also in view of the fact that FIR was lodged after 45 days, we are of the view that custodial interrogation of the present petitioner is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Sk. Sajjad Ali @ Sajjad Ali**, 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 Bharatiya Nagarik Suraksha Sanhita. The petitioner shall meet the I.O. once in a week till the submission of the final report. The petitioner shall appear before the learned Additional Chief Judicial Magistrate, Chanchal, Malda, within two weeks from date.
6. In the event the petitioner fails to comply with any of the abovementioned conditions, the trial court shall be at liberty to cancel the bail without any further reference to this Court.
7. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
8. 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.)