

30.08.2024
Court No.29
Item No. 19

Allowed

SM/MD

CRM (A) 2965 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Kushmandi Police Station Case No. 150 of 2024 dated 04.08.2024 under Sections 329(4)/64/351(3) of the Bharatiya Nyaya Sanhita, 2023 pending before the Court of learned Additional Chief Judicial Magistrate, Gangarampur at Buniadpur, Dakshin Dinajpur (corresponding to GR Case No. 863/2024).

And

In Re: **Golam Mortuja**

Petitioner

Ms. Baisali Basu,
Ms. Baishakhi Chatterjee

For the State

1. In respect of service, the victim is not represented.
2. The learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated.
3. The learned Counsel appearing on behalf of the State, in opposing the prayer for anticipatory bail, has referred to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.
4. Considering the materials available in the case diary and there is a delay of almost one month in lodging the FIR and having regard to the medical report, we are of the view that custodial interrogation of the petitioner is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Golam Mortuja** 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, subject to the satisfaction of 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 Bharatiya Nagarik Suraksha Sanhita and on condition that the petitioner shall remain outside the jurisdiction of the Kushmandi Police Station. The petitioner shall also meet the Investigating Officer once in a week till the submission of final report and shall appear before the Learned Additional Chief Judicial Magistrate, Gangarampur at Buniadpur, Dakshin Dinajpur within two weeks from date.

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

(Soumen Sen, J.)

(Uday Kumar, J.)