

30.08.2024
Court No.29
Item No. 26

Allowed
sg

CRM (A) 2974 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 Paikar Police Station Case No. 181 of 2024 dated 24.05.2024 under Sections 498A/323/307 of the Indian Penal Code, pending before the learned Additional Chief Judicial Magistrate, Rampurhat, Birbhum.

And

In Re: **Nazmul Hasan @ Md. Najmul Hosen @ Pintu**
Petitioner

Mr. Prosenjit Mukherjee
Mr. Saptarshi Chakraborty

For the Petitioner

Mr. Rana Mukherjee
Ms. Sujata Das

For the State

1. The petitioner is the husband of the defacto complainant. It is submitted on behalf of the petitioner that earlier the defacto complainant lodged similar compliant in which the petitioner and the other family members have been acquitted. This is a false compliant.
2. The learned Counsel for the State, in opposing the prayer for anticipatory bail, has referred to the case diary, statements of the victim and the injured and the injury report.
3. 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 having regard to the fact that the relationship between the parties and the nature of injury sustained, we are of the view that custodial interrogation of the present petitioner is not necessary.

4. Accordingly, we direct that in the event of arrest the petitioner namely, **Nazmul Hasan @ Md. Najmul Hosen @ Pintu**, 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 Arresting Officer, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure 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 final report. The petitioner shall appear before the learned Additional Chief Judicial Magistrate, Rampurhat, Birbhum, within two weeks from date.
5. In the event the petitioner fails to comply with any of the conditions as mentioned above, the trial court shall be at liberty to cancel his bail in accordance with law without any further reference to this Court.
6. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
7. The petitioner also undertakes to pay the maintenance to the wife and for the children at the rate of Rs.6000/- per month subject to the result of the application for maintenance pending before the jurisdictional court.
8. We make it clear that this is purely an interim arrangement and the court decide the maintenance, shall not influence with the observation made in this order in finally deciding the maintenance of the wife and the children.
9. The aforesaid amount shall be paid within one week from date and thereafter shall continue to pay on 7th of each succeeding months till the application for maintenance is decided or subject to any order being passed in such proceeding.
10. 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.)