

13.09.2024

Court No.29

Item No 08

Allowed

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CRM (A) 2978 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 Ranitala Police Station Case No. 375 of 2024 dated 23.06.2024 corresponding to G.R Case No. 2740 of 2024 under Sections 341/376/511/509/506 of the Indian Penal Code.

In Re: **Tamatul Sk @ Tiyarul Sk @ Tiyarul Seikh**

Petitioner

Mr. Tapodip Gupta

For the Petitioner

Mr. Atif Ahmed Siddiqui

For the State

Mr. Atif Ahmed Siddiqui

For the Victim
(appointed by Legal Aid)

1. Pursuant to the notice, the victim is represented by an advocate.
2. Learned counsel for the petitioner submits that the petitioner is innocent and the relationship was consensual.
3. Learned counsel for the State and the victim have opposed the prayer for anticipatory bail.
4. 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 statement of the victim recorded under Section 164 Cr.P.C and prima facie, it appears that the relationship was consensual and there could be some exaggeration in the statement of the victim, 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, **Tamatul Sk @ Tiyarul Sk @ Tiyarul Seikh** 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 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 week till the submission of the final report and on further condition that the petitioner shall appear before the **learned Additional Chief Judicial Magistrate, Lalbagh, Murshidabad**, within two weeks from date in connection with **G.R Case No. 2740 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.

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)

(Prasenjit Biswas, J)