

02.09.2024

Court No.29

Item No.46

Allowed

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CRM (A) 3012 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 Murutia Police Station Case No. 205 of 2024 dated 08.07.2024 corresponding to S.L No. 1432 of 2024 under Sections 448/376/511 of the Indian Penal Code.

In Re: **Sumit Mondal**

Petitioner

Mr. Asraf Mondal

For the Petitioner

Ms. Amita Gaur

Mr. Amanul Islam

For the State

Mr. Sourav Mukherjee

For the De-facto Complainant

1. Learned counsel for the petitioner submits that the petitioner is a co-villager and he has been falsely implicated in the instant case.
2. Learned counsel for the State and the de-facto complainant have opposed the prayer for anticipatory bail. Learned counsel for the State has produced the case diary and has referred to the statement of the victim recorded under Section 164 Cr.P.C.
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 the statement of the victim recorded under Section 164 Cr.P.C., which appears to be at variant with the statement of the neighbours and having regard to the fact that the petitioner has refused to medical examination and the FIR was filed after 22 days after the alleged incident, we are of the view that custodial interrogation of the petitioner is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Sumit Mondal** 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, Tehatta, Nadia**, within two weeks from date in connection with **S.L No. 1432 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.
5. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Shampa Dutt (Paul), J)