

06.09.2024
Court No.29
Item No. 11

Allowed
sg

CRM (A) 3050 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 Thanarpara Police Station Case No. 67 of 2024 dated 16.03.2024 under Sections 302/34 of the Indian Penal Code, pending before the learned Additional Chief Judicial Magistrate, Tehatta, Nadia.

And

In Re: **Selim Mandal @ Selim Mondal**
Petitioner

Mr. Abdur Rakib
Mr. Abdul Aziz Mondal

For the Petitioner

Mr. Rudradipta Nandy
Ms. Dhanasree Biswas

For the State

1. The learned Counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the instant case.
2. The learned Counsel appearing for the State, in opposing the prayer for anticipatory bail, draws our attention to the statement of the eyewitness recorded under Section 164 of the Code of Criminal Procedure.
3. 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 statement of the individual eyewitness which does not mention the name of the present petitioner in the commission of the alleged offence and also in view of the fact that charge sheet has already been filed, 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, **Selim Mandal @ Selim Mondal**, 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 learned Additional Chief Judicial Magistrate, Tehatta, Nadia, 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 appear before the trial court on each and every date of hearing until further orders.

5. In the event the petitioner fails to appear before the trial court without any justifiable cause, 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. 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.)