

05.09.2024
Court No.29
Item No. 53

Allowed
sg

CRM (A) 3118 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 Dantan Police Station Case No. 251 dated 05.07.2023 under Sections 363/365/323/34 of the Indian Penal Code and adding Section 376 of IPC, pending before the learned Additional Chief Judicial Magistrate, Paschim Medinipur.

And

In Re: **Sk. Nasho @ Sk. Nash @ Sk. Nasiruddin**
Petitioner

Mr. Navanil De
Mr. Srinjan Ghosh
Mr. Shoumilya Mazumder

For the Petitioner

Mr. Ranadeb Senguputa
Mr. Sourat Nandy

For the State

1. The learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated. The complainant is the uncle of the victim.
2. The learned Counsel for the State in opposing the prayer for anticipatory bail, has referred to the statement of the injured and the injury report. It is further submitted that the defacto complainant has refused medical examination.
3. Considering the materials available in the case diary it reveals that Sk. Sohel was in love relationship with the victim who was 19 years of old at the time of the alleged incident. The dispute arose between the family members of the parties in which it was alleged that the petitioner, who happens to be family members of Sohel, had assaulted the complainant. The injury report shows the injury is minor in nature.

4. Having regard to aforesaid fact, we are of the view that custodial interrogation of the present petitioner is not necessary.
5. Accordingly, we direct that in the event of arrest the petitioner namely, **Sk. Nasho @ Sk. Nash @ Sk. Nasiruddin**, shall be released on bail upon furnishing a bond of Rs.5,000/-, 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. as and when required.
6. In the event the petitioners fail 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.
7. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
8. 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.)