

09.09.2024
AD-15
Court No.29
TN
(Allowed)

CRM (A) 3145 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Kaliyaganj Police Station Case No. 271 of 2024 dated 01.07.2024 under Sections 493/376/354/511/506/34 of the IPC.

And

In the matter of: **Sarfaraj Ali Sarkar @ Rejjak Ali and another**

.... petitioners

Ms. Busra Khatoon

....for the petitioners

Mr. Pronojit Roy

....for the *de facto* complainant

Mr. Iqbal Kabir,
Ms. Payel Ghosh

....for the State

1. The petitioners are the brothers of the principal accused. It is submitted that the principal accused has a love relationship with the *de facto* complainant and they have been falsely implicated.
2. The learned counsel for the State and the *de facto* complainant in opposing the prayer has referred to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and the medical report.
3. Considering the materials available in the case diary, the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and the medical report, we are

prima facie of the opinion that a *prima facie* case has been made out in favour of the petitioners. It appears that the main allegation is against Anwar, the brother of the present petitioners. The medical report also *prima facie* does not support the statement of the victim. On such consideration, we are of the view that custodial interrogation of the petitioners is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Sarfaraj Ali Sarkar @ Rejjak Ali** and **Raihan Ali Sarkar @ Rehan** respectively shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two registered sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973, corresponding to Section 482(2) of the BNSS, 2023.
5. The petitioners shall meet the Investigating Officer once in a week till submission of the final report. The petitioners shall not enter the jurisdiction where the victim is residing till submission of the final report, except for the purpose of meeting the Investigating Officer and attending the court.
6. It is further directed that the present accused petitioners shall appear before the learned Chief Judicial Magistrate, Uttar Dinajpur within two weeks from date.
7. Accordingly, the application for anticipatory bail is disposed of.

8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Shampa Dutt (Paul), J.)