

09.09.2024
AD-16
Court No.29
TN
(Allowed)

CRM (A) 3146 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 Itahar Police Station Case No. 352 of 2023 dated 08.08.2023 under Sections 186/224/225/332/353/307/34 of the IPC.

And

In the matter of: **Chhoto Mia @ Bhoma Sekh @ Chhota Miya**

.... petitioner

Ms. Busra Khatoon

....for the petitioner

Mr. Debasish Roy, Ld. PP,
Mr. Arijit Ganguly,
Mr. Kaushik Kundu

....for the State

1. The learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated.
2. The learned counsel for the State in opposing the prayer has submitted that the *de facto* complainant is an Assistant Sub-Inspector of Police and he was prevented to raid the house of the petitioner in connection with another case.
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, having regard to an order produced before this court dated 25th June, 2024 wherefrom it appears that the petitioner was enlarged on bail in connection with PS Case No. 346 of 2023 dated 5th August, 2023 and the nature of the injury which appears to be simple in nature, 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, **Chhoto Mia @ Bhoma Sekh @ Chhota Miya** 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, 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 petitioner shall meet the Investigating Officer once in a week till submission of the final report.
6. It is further directed that the present accused petitioner shall appear before the learned Chief Judicial Magistrate, Dakshin 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.)