

09.09.2024
AD-19
Court No.29
TN
(Allowed)

CRM (A) 3149 of 2024

In Re:- An application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Raiganj Police Station Case No. 746 of 2024 dated 22.07.2024 under Sections 85/109/3(5) of the BNS and under Sections 3/4 of the DP Act.

And

In the matter of: **Muktar Ali**

.... petitioner

Mr. Abhijit Chandra Majumder,
Mr. Nitai Chandra Saha

....for the petitioner

Mr. Jisan Iqubal Hossian

....for the *de facto* complainant

Mr. Avishek Sinha,
Ms. Sanjida Sultana

....for the State

1. 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 no evidence of any injury is revealed from the case diary, we are of the *prima facie* view that the ingredients of Section 307 has not been made out and also having regard to the nature of relationship between the parties, we are of the view that custodial interrogation of the petitioner is not necessary.
2. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Muktar Ali** 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 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.

3. The petitioner shall meet the Investigating Officer as and when required.
4. It is further directed that the present accused petitioner shall appear before the learned Chief Judicial Magistrate at Raiganj, Uttar Dinajpur within two weeks from date.
5. Accordingly, the application for anticipatory bail is disposed of.
6. 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.)