

10.09.2024

Court No.29

Item No.32

Allowed

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CRM (A) 3183 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Hemtabad Police Station Case No. 190 of 2024 dated 02.08.2024 corresponding to G.R Case No. 1711 of 2024 under Sections 112(2)/115(2)/118(1)/117(2)/118(2)/109(1)/351(3)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

In Re: Nur Jamal @ Nur Jamal Ahmed

Petitioner

Mr. Jishan Iqbal Hossain

Mr. Sourav Mukherjee For the Petitioner

Mr. Prasun Kumar Dutta

Mr. Anindya Sudar Chatterjee For the State

Mr. Nayeemul Haque

Ms. Tapati Sarkar For the De-facto Complainant

1. Learned counsel for the petitioner submits that the petitioner is innocent and on the date of the alleged incident he was on official duty and was not present at the place of occurrence.
2. Learned counsel for the State and the de-facto complainant have opposed the prayer for anticipatory bail.
3. Considering the materials available in the case diary, the statement of the victim recorded under Section 164 Cr.P.C, the medical report and the fact that the petitioner has suffered injury but which does not appear that such injury was grievous or life threatening. We have also taken into consideration the background of the facts leading to such incident, 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, **Nur Jamal @ Nur Jamal Ahmed** 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, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023. The petitioner shall meet the I.O once in a fortnight till the submission of the final report and shall not enter the jurisdiction of Hemtabad Police Station, except for the purpose of meeting the I.O and attending the Court and shall provide the present address to the I.O where he is presently residing and on further condition that the petitioner shall appear before the **learned Additional Chief Judicial Magistrate, Raiganj, Uttar Dinajpur**, within two weeks from date in connection with **G.R Case No. 1711 of 2024**. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.

5. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Prasenjit Biswas, J)