

18.09.2024
AD-12
Court No.29
TN
(Allowed)

CRM (A) 3250 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and Section 438 of the Code of Criminal Procedure filed in connection with Chapra Police Station Case No. 494 of 2024 dated 19.05.2024 under Sections 498A/406/376 of the IPC.

And

In the matter of: **Jagadish Halder @ Santu**

.... petitioner

Ms. Minoti Gomes,
Mr. Snehansu Majumder

....for the petitioner

Mr. Arindam Sen,
Mr. Mirza Firoj Ahmmed Begg

....for the State

1. In spite of notice, the victim is not represented. The service report is kept on record.
2. The petitioner is the brother-in-law. It is submitted that after a family settlement has been reached between the family members of late Chandan Halder, a false complaint has been lodged against the present petitioner in order to grab further properties. It is submitted that the petitioner is innocent.
3. The learned counsel for the State in opposing the prayer has referred to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. The learned counsel has also referred to the medical reports.
4. 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 also having regard to the fact that there is a family settlement between the parties

as on 19th April, 2024, the possibility of the false implication cannot be completely ruled out. Moreover, the charge sheet has already been filed.

5. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Jagadish Halder @ Santu** 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.
6. It is further directed that the present accused petitioner shall appear before the learned Chief Judicial Magistrate, Krishnagar, Nadia 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.)

(Uday Kumar, J.)