

17.09.2024
AD-27
Court No.29
TN
(Allowed)

CRM (A) 3211 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Manikchak Police Station Case No. 527 of 2024 dated 26.07.2024 under Sections 329(4)/69/115(2) of the BNS, 2023.

And

In the matter of: **Sanaul Khan @ Sanayul**

.... petitioner

Mr. Mrityunjoy Chatterjee,
Mr. Debapriya Majumder

....for the petitioner

Ms. Afreen Begum

....for the victim
(by HC Legal Services Committee)

Ms. Minoti Gomes,
Mr. Atanu Ghosh

....for the State

1. The learned counsel for the petitioner submits that the petitioner was in a relationship with the *de facto* complainant and has been falsely implicated.
2. The learned counsel for the State and the learned counsel for the *de facto* complainant have opposed the prayer for anticipatory bail.
3. Having considered the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence and *prima facie* it shows that the relationship was consensual between two adult persons over a long period of time, 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, **Sanaul Khan @ Sanayul** 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, Malda 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.)