

18.09.2024
SL No.11
Court No.29
(gc)
(Allowed)

CRM (A) 3246 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Chanchal Police Station Case No.639 of 2024 dated 22.06.2024 under Sections 342/417/376/493/308/323 and 34 of the Indian Penal Code.

And

In the matter of : **Mithun Ali @ Litu @ Mithun**

- Petitioner.

Mr. Soupal Chatterjee,
Mr. Anupam Das

....For the Petitioner.

Mr. Soumik Ganguly,
Ms. Pinky Sarkar

... For the State.

1. The learned Counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated. It is also submitted that the principal accused is on bail.
2. Mr. Soumik Ganguly, learned Counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of the victim recorded under Section 164 Cr.P.C. and the medical report. It is further submitted that the victim is personally present in Court and he has obtained instruction from her.
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 and the statement of the victim recorded under Section 164 Cr.P.C. does not implicate the petitioner, 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, **Mithun Ali @ Litu @ Mithun**, 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 and on further condition that the petitioner shall meet the I.O. once in a week till the submission of the final report.

5. It is further directed that the petitioner shall appear before the learned Additional Chief Judicial Magistrate, Chanchal, Malda in connection with G.R. Case No.1690 of 2024 within two weeks from date.
6. Accordingly, the application for anticipatory bail is disposed of.
7. 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.)