

September 12, 2024

4 ARDR

Allowed

CRM(SB) 122 of 2024

In Re : An Application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with **Chakdah** Police Station Case No. 801 of 2024 dated 21st July, 2024 under Sections 329(4)/115(2)/324(4)/75/351(2)/3(5) of the BNS, 2023 pending before the learned Additional Chief Judicial Magistrate, Kalyani, Nadia.

And

In Re : Kalipada Durlav

... Petitioner.

Adv. Shibaji Kumar Das,

... For the Petitioner.

Adv. Arijit Ganguly,

Adv. Rita Dutta,

... For the State.

Affidavit of service filed on behalf of the petitioner is taken on record.

None appears for the second opposite party despite service.

Learned counsel for the petitioner submits that the petitioner is in custody for fourteen days. He is the father of the principal accused who is on bail. There is no allegation against the petitioner under Section 75 of the B.N.S.

Learned counsel for the State produces the case diary and opposes the prayer for bail.

It appears that the petitioner is the father of the principal accused who has been granted bail by the learned Magistrate. There is no *prima facie* allegation under Section 75 of the BNS against the petitioner. The petitioner is in custody for fourteen days. Statement of the victim under Section 164 of the Code of Criminal Procedure has not been recorded.

Considering the material available in the case diary, this Court is inclined to hold that further detention of the petitioner is not required for the purpose of custodial interrogation.

Prayer for bail is allowed.

Accordingly, the petitioner, namely, Kalipada Durlav, shall be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Kalyani, Nadia subject to condition that the petitioner shall cooperate in investigation of the case and respond to the Investigating Officer as and when called for.

The application for bail, being CRM (SB) 122 of 2024, is, thus, disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)