

17.09.2024

Court No.29

Item No. 43

Allowed

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CRM (A) 3317 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 in connection with Baishnabnagar Police Station Case No. 426 of 2024 dated 20.05.2024 corresponding to G.R Case No. 3336 of 2024 under Sections 341/324/326/307/34 of the Indian Penal Code.

In Re: **Kush Saha**

Petitioner

Mr. Amitabha Karmakar

Mr. Arup Kumar Bhowmick For the Petitioner

Mr. Sandip Chakraborty

Ms. Mamata Jana For the State

1. Heard the learned counsel appearing for the parties.
2. 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 nature of injury, which does not appear to be grievous and the circumstances under which such incident occurred, we are of the view that custodial interrogation of the petitioner is not necessary.
3. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Kush Saha** 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 week till the submission of the final report and on further condition that the petitioner shall appear before the **learned Chief Judicial Magistrate, Malda**, within two weeks

from date in connection with **G.R Case No. 3336 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.

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

(Soumen Sen, J)

(Uday Kumar, J)