

20.09.2024
Court No.29
Item No.11

Allowed

sg

CRM (A) 3379 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS Act, in connection with Kolaghat Police Station Case No. 181 of 2024 dated 05.03.2024 under Sections 363/366/34 of the Indian Penal Code, pending before the learned Chief Judicial Magistrate, Purba Medinipur.

And

In Re: **Sk. Sariful @ Sk. Sariful Islam**

Petitioner

Mr. Ayan Bhattacharyya

Ms. Subhra Das

Mr. Abhrajit Roy Chowdhury

For the Petitioner

Mr. Sujan Chatterjee

For the State

1. We have heard the learned Counsel for the parties.
2. Considering the materials available in the case dairy, the nature and extent of complicity of the present petitioner in the commission of alleged offence, and with regard to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure in which she has specifically stated that there is no physical relationship between the petitioner and the victim and she has returned her house and also having regard to the fact that she refused medical examination and moreover the charge sheet has already been filed, we are of the view that the custodial interrogation of the petitioner is not necessary.
3. Accordingly, we direct that in the event of arrest the present petitioner, namely, **Sk. Sariful @ Sk. Sariful Islam**, shall be released on bail upon furnishing a bond of Rs.5,000/-, with two registered sureties of like amount

each, to the satisfaction of learned Chief Judicial Magistrate, Purba Medinipur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita and subject to further condition that the petitioner shall appear before the trial court within ten days from date and thereafter shall appear on each and every date of hearing until further orders.

4. In the event the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without any further reference to this Court.
5. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
6. 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.)