

20.09.2024
Court No.29
Item No. 13

Allowed

sg

CRM (A) 3389 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 Harirampur Police Station Case No. 145 of 2024 dated 24.07.2024 under Sections 126/117(2)/118(2)/109/3(5) of the BNS, pending before the learned Additional Chief Judicial Magistrate, Gangarampur at Buniadpur, Dakshin Dinajpur.

And

In Re: **Majibur Rahaman.**

Petitioner

Mr. Hazahar Hossain Chowhdury

For the Petitioner

Mr. Ashok Das

For the State

1. The learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated due to previous grudge.
2. The learned Counsel for the State has opposed the prayer for anticipatory bail.
3. 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 considering the medical report which clearly shows that there is no external injury and also having regard to the statement of the injured which does not corroborate the medical report as to injury and in view of the fact that charge sheet has already been filed, we are of the view that the custodial interrogation of the petitioner is not necessary.

4. Accordingly, we direct that in the event of arrest the present petitioner, namely, **Majibur Rahaman**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, to the satisfaction of learned Additional Chief Judicial Magistrate, Gangarampur at Buniadpur, Dakshin Dinajpur, 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.
5. 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.
6. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
7. 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.)