

24.09.2024

Court No.29

Item No. 27

Allowed

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CRM (A) 3438 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 Rejinagar Police Station Case No. 122 of 2024 dated 18.05.2024 corresponding to G.R Case No. 2505 of 2024 under Sections 448/325/308/354/379/34 of the Indian Penal Code.

And

In Re: Asirul Mollick @ Asirul Mallik

Petitioner

Mr. Amanul Islam

Mr. Sourav Mukherjee For the Petitioner

Mr. Sujoy Sarkar

For the State

1. Learned counsel for the petitioner submits that over a case and counter case a false complaint has been lodged against the petitioner.
2. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of the injured and the injury report. The prognosis, as shown in the injury report of the pregnant lady, appears to be simple and subsequent medical report has not suggested any possible miscarriage due to such assault.
3. Considering the materials available in the case diary and the injury report, and the fact that charge-sheet has already been filed, 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, **Asirul Mollick @ Asirul Mallik** 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 and on further condition that the petitioner shall appear before the **learned Chief Judicial Magistrate, Murshidabad at Berhampur**, corresponding to **G.R Case No. 2505 of 2024** within two weeks from date and the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever. It is further ordered that the petitioner shall appear on every date before the aforesaid Court on and from the date fixed for appearance of the accused. 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.

5. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
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)