

24.09.2024
SL No.35
Court No.29
(gc)
(Allowed)

CRM (A) 3446 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 filed in connection with Kaliachak Police Station Case No.955 of 2024 dated 26.06.2024 under Sections 341/323/325/326/307/379/34 of the Indian Penal Code.

And

In the matter of : **Faruk Sk @ Sayem Sk**

- Petitioner.

Ms. Minoti Gomes

....For the Petitioner.

Mr. Arindam Sen,

Mr. Subhajit Chowdhury

... For the State.

1. The learned Counsel for the petitioner submits that out of previous grudge and as a counter-blast to the FIR lodged by the petitioner against the complainant of attempting to ravage the modesty of his sister, this false complaint has been lodged.
2. The learned Counsel for the State has admitted that the petitioner has lodged a complaint on 31st May, 2024 in which it is alleged that the complainant tried to ravish the sister of the present petitioner. It is further submitted that a charge-sheet has been filed in connection with the said FIR. It is also submitted that the statements of the injured recorded on 26th June, 2024 are to be assessed and read in the light of the complaint of the petitioner on 31st May, 2024. In fact, the FIR was lodged by the complainant on 26th June, 2024 on an incident alleged to have taken place on 29th May, 2024.
3. Considering the materials available in the case diary and having regard to the statement of the complainant alleging that on 29th

May, 2024 he was assaulted by the petitioner and assessing the statement of the complainant in such background facts, namely the incident of ravish the sister of the petitioner in or around that time, we are of view that custodial interrogation of the petitioner is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioner namely, **Faruk Sk @ Sayem Sk**, 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 the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Cr.P.C., 1973 corresponding to Section 482(2) of the BNSS, 2023 and on further condition that the petitioner shall meet the I.O. once in a fortnight till the submission of the final report.
5. It is further directed that the petitioner shall appear before the learned Chief Judicial Magistrate, Malda in connection with G.R. Case No.4426 of 2024 within two weeks from date.
6. Accordingly, the application for anticipatory bail is disposed of.
7. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)