

**27.09.2024**

Court No.29

Item No. 23

**Allowed**

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### **CRM (A) 3466 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 Harishchandrapur Police Station Case No. 858 of 2022 dated 15.09.2022 corresponding to G.R Case No. 2577 of 2022 under Sections 3341/324/325/326/506/34 of the Indian Penal Code.

And

In Re: **Jamirul**

Petitioner

Ms. Minoti Gomes

Mr. Asfak Ahammed For the Petitioner

Mr. Suman De

Mrs. Srilekha Chatterjee For the State

1. Heard the learned counsel appearing for the parties.
2. The petitioner is the son of the injured from the first marriage. The de-facto complainant is the step-mother of the petitioner.
3. It is submitted that over a property dispute a false complaint has been lodged against the petitioner.
4. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of the injured and other independent witnesses as also the injury report.
5. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence, as reveals from the case diary and the statement of the injured wherefrom it appears that Amirul Islam was the principal assailant that had caused the grievous injury and moreover the charge-sheet has been filed, we are of the view that custodial interrogation of the petitioner is not necessary. However, having regard to the nature of the statement recorded under

Section 164Cr.P.C, we direct the petitioner to immediately surrender the mobile phone of the petitioner without deleting any message, picture and videos to the investigating officer for the purpose of investigation on or before 1<sup>st</sup> October, 2024.

6. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Jamirul** 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 Additional Chief Judicial Magistrate, Chanchal at Malda**, corresponding to **G.R Case No. 2577 of 2022** within **10 days** 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.
7. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
8. 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)**

