

03.10.2024
SL No.41
Court No.29
(gc)
(Allowed)

CRM (A) 3543 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Ramnagar Police Station Case No.258 of 2024 dated 03.06.2024 under Sections 498A/448/323/325/376/435/511/379/506/34 of the Indian Penal Code.

And

In the matter of : **Tapan Jana @ Khokan Jana & Anr.**

- Petitioners.

Md. Sabir Ahmed,
Mr. Tasnim Ahamed,
Mr. Dhiman Banerjee

....For the Petitioners.

Mr. Sujan Chatterjee,

... For the State.

Mr. Sujit Kr. Rath

....For the De facto Complainant.

1. The petitioners are neighbours of the husband of the de facto complainant. It is submitted that due to an existing dispute between the father of the de facto complainant and the present petitioners, a false complaint has been lodged.
2. The learned Counsel for the de facto complainant and the State have opposed the prayer for anticipatory bail.
3. It is submitted on behalf of the de facto complainant that there have been multiple instances of physical assault.
4. The learned Counsel for the State has referred to the medical report and the statement of the victim recorded under Section 164 Cr.P.C.
5. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence and also having regard to the fact that the medical

report does not, *prima facie*, support the allegation of any physical torture or assault upon the de facto complainant by the present petitioners and admittedly there has been a dispute between the father of the de facto complainant and the present petitioners as revealed from the statement of the de facto complainant herself, we are of the view that custodial interrogation of the petitioners is not necessary.

6. Accordingly, we direct that in the event of arrest, the petitioners namely, **Tapan Jana @ Khokan Jana** and **Chandan Jana @ Chua**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, 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 petitioners shall meet the I.O. once in a fortnight till the submission of the final report.
7. It is further directed that the petitioners shall not enter the Ramnagar Police Station except for the purpose of meeting the I.O. or attending the Court till the submission of the final report.
8. It is further directed that the petitioners shall provide the address where they shall be presently residing with the Investigating Officer as well as the Officer-in-Charge of the local Police Station where they shall be residing.
9. It is further directed that the petitioners shall appear before the learned Additional Chief Judicial Magistrate at Contai, Purba Medinipur in connection with G.R. Case No.1476 of 2024 within one week from date.

10. Accordingly, the application for anticipatory bail is disposed of.
11. 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.)