

07.10.2024
Court No.29
Item No. 48

Allowed

sg

CRM (A) 3616 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of Bhartiya Nagrik Suraksha Sanhita, in connection with Manikchak Police Station Case No. 657 of 2024 dated 03.09.2024 under Section 126(2)/118(2)/3(5) of BNS, pending before the learned Additional Chief Judicial Magistrate, Malda.

And

In Re: **Rahul Khan & Ors.**

Petitioners

Mr. Arup Kumar Bhowmick

For the Petitioners

Mr. Binoy Kumar Panda

Ms. Afreen Begum

For the State

1. The learned Counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated. It is submitted that on the basis of the previous grudge, a false complaint has been lodged.
2. The learned Counsel for the State has produced the case diary and submits that after the second incident of alleged assault, this complaint has been lodged.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of alleged offence and having regard to the nature of injury which appears to be simple in nature, we are of the view that the custodial interrogation of the present petitioners is not necessary.
4. Accordingly, we direct that in the event of arrest, the present petitioners, namely, **Rahul Khan, Mqstofa Khan @ Md. Mostofa Khan, Shahensha @**

Ismail Khan, shall be released on bail upon furnishing a bond of Rs.5,000/- each, 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 Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioners shall meet the Investigating Officer once in a fortnight till the submission of the final report. The petitioners shall appear before the jurisdictional court within two weeks from date.

5. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
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.)