

04.11.2024
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[ALLOWED]

C. R. M. (A) 3732 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Haripal Police Station Case No. 445 of 2024 dated 23.07.2024 under Sections 85/316(2)/109 of the Bharatiya Nyaya Sanhita, 2023.

In Re: Sk. Aktar Ali.

... ... Petitioner

Mr. Moykush Mukherjee,
Mr. Sobhan Gani,
Mr. S. M. Burhanuddin
Md. Aqib Badr,
Mr. Shakti Shivam.

... ... for the petitioner

Mr. Rana Mukherjee, Id. A.P.P.,
Mr. Shantanu Deb Roy⁷

... ... for the State

Mr. Mainak Gupta.

...for the de-facto complainant.

1. Heard the learned Advocates for the parties.
2. We have considered the materials on record. Allegations of torture are general and omnibus. Stridhan articles have been seized. It is alleged petitioner held the pillow against the face of the victim in an attempt to murder her. Credibility of the allegation may be assessed during trial. However, custodial interrogation of the petitioner for progress of investigation is not necessary.
3. Under such circumstances, we are inclined to grant anticipatory bail to petitioner.
4. Accordingly, we direct that in the event of arrest, the petitioner viz., Sk. Aktar Ali be released on bail upon furnishing

a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 482(2) of the BNSS. He shall appear before the court below and pray for regular bail within four weeks from date.

5. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)