

11.11.2024
Item no. 74.
Court No.01.
S.De
(Allowed)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (A) No. 695 of 2024

In Re: An Application for Anticipatory Bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 438 of the Code of Criminal Procedure in connection with Bhaktinagar Police Station Case No.716 of 2024 Dated 09.08.2024 under Section 85 of B.N.S. read with Section 3/4 of D.V. Act.

And

In the matter of: Md. Faisal Ahamad.

.....Petitioner.

Mr. Jaydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik,
Mr. S. Kumar,
Ms. Sayantani Das,
Ms. Priti Das,for the Petitioner.

Mr. Nilay Chakraborty, Ld. APP,
Mr. Subhashis Mishra,for the State.

Mr. Bikash Singha, ...for the de facto complainant.

1. Read order dated November 5, 2024.
2. The petitioner says that in terms of the said order he reported to the concerned police station. However, his attendance was not recorded. He has made a complaint to the Commissioner, Siliguri Metropolitan Police. Let a copy of the complaint dated November 7, 2024 be kept with the records.
3. The allegation is under Section 85 of B.N.S. (corresponding to Section 498A IPC)

4. We have considered the material in the case diary.
5. On an overall assessment of the material-on-record, we are of the view that immediate custodial interrogation of the petitioner may not be necessary so long as he co-operates with the Investigating Officer fully.
6. Accordingly, in the event of arrest, the petitioner, namely **Md. Faisal Ahamad** 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, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders and on further condition that the petitioner shall report to the Investigating Officer once in a fortnight till completion of the investigation and on further conditions that the petitioner will not enter the jurisdiction of Bhaktinagar Police Station. He will not, in any manner, intimidate or harass the de facto complainant. In case, the de facto complainant lodges a complainant in this regard with the jurisdictional police, the police will immediately look into the matter.
7. In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.
8. The application for anticipatory bail being C.R.M. (A) No.695 of 2024 is, thus, allowed.

9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Biswaroop Chowdhury, J.)

(Arijit Banerjee, J.)