

03
14-11-2024
(ct. no.01)
KOLE
Allowed

**In the High Court At Calcutta
Jalpaiguri Circuit Bench
CRM (A) 774 of 2024**

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure/Section 482 of the BNSS in connection with **Pundibari Police Station** Case No. **618 of 2024** dated **11.08.2024** under Sections **126(2)/118(2)/109** of the BNSS, 2023.

- A n d -

In the matter of : Sahanur Hossain @ Babla

.... Petitioner.

Ms. Suman Sehanabis,
Ms. Snwesh Chakraborty,
Mr. Salok Sah,

... For the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP,
Mr. Chattu Roy,

... For the State.

Order dictated by Biswaroop Chowdhury, J.:

1. Learned Advocate for the petitioner and the learned Advocate for the State are present.
2. Heard learned Advocates for both the parties. Perused the materials in the case diary.
3. This matter was adjourned on the last occasion to enable the learned Advocate for the State to obtain the specific injury report and the Chief Medical Officer, Cooch Behar was also directed that the injury report in the present case is placed before us.
4. However, by letter dated November 13, 2024, the Medical Superintendent cum Vice Principal, MJM Medical College & Hospital informed that the injury report of the injured Partha Pal is not available at the record section of the concerned hospital. Let the letter be kept with the records.

5. Upon hearing learned Advocate for the parties and considering the fact and circumstances of the case and also considering the fact that the victim was admitted to hospital but as there is no specific observation with regard to the nature of injury, we are of the view that immediate custodial interrogation of the petitioner is not necessary.

6. Accordingly, in the event of arrest, the petitioner, namely, **Sahanur Hossain @ Babla**, 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 of the concerned Police Station once in a fortnight until further orders. The petitioner shall not leave the jurisdiction of the learned trial court.

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. CRM (A) 774 of 2024 is, thus, disposed of.

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.)**