

27.11.2024
Item No.54
Court No.1
Cp
(Allowed)

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

CRM (A) 791 of 2024

In Re: - An application for anticipatory bail under section 438 of the Code of Criminal Procedure, 1973/Section 482 of the B.N.S.S. 2023, in connection with Pundibari Police Station Case No.286 of 2024 dated 5th May, 2024 under Sections 498A/325/307 of the Indian Penal Code, 1860.

And

In the matter of: **Mahabul Hossain**

....Petitioner.

Ms. Mousumi Das

...for the Petitioner.

Mr. Ujjwal Luksom

Mr. A. Biswas

... for the State.

Learned advocate for the petitioner submits that there is no allegation against the present petitioner and so the benefit of Section 482 of the B.N.S.S. 2023 corresponding to Section 438 of the Cr.P.C., can be extended to the present petitioner.

Learned advocate for the State opposes such prayer for anticipatory bail.

We have heard the learned advocates appearing for the respective parties and have perused the materials in the Case Diary. Prima facie, it appears that there is direct evidence of the incident. Thus, we are of the view that the custodial interrogation of the present petitioner will not serve any purpose.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Mahabul Hossain**, shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of equal amount each, to the satisfaction of the Arresting Officer and 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 B.N.S.S. 2023. The petitioner shall meet the concerned investigating officer once a week and shall appear before the jurisdictional court on each date of hearing as may be fixed after conclusion of investigation. The petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In case the petitioner fails to adhere to any of the conditions stated above, the learned jurisdictional court shall be entitled to cancel the bail without further reference to this court.

The application for anticipatory bail, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)