

13.11.2024
Item no. 61.
Court No.1.
AB
(Allowed)

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

CRM (A) 874 of 2024

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure, 1973/Under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Dinhata Women Police Station Case No.121 of 2024 Dated 2.10.2024 under Sections 85/89/109(1) of BNS 2023 read with Sections 3/4 of D. P. Act

And

In the matter of : Manirul Miah

.....Petitioner.

Mr. Bikash Singha for the Petitioner.

Mr. Kallol Acharya
Mr. Sourav Ganguly for the State.

Dictated by Biswaroop Chowdhury, J.

1. Learned Advocate for the petitioner and learned Advocate for the State of West Bengal are present.
2. Heard learned Advocates for the parties.
3. Learned Advocate for the petitioner submits that the co-accused persons are on anticipatory bail and the prayer for anticipatory bail of the petitioner may be considered.
4. Learned Advocate for the State objects to the grant of anticipatory bail but submits that there is no injury report.

5. Upon hearing the learned Advocates and considering the materials in the case diary, we find that the allegations made by the defacto complainant are general in nature and there is no injury report.
6. Considering the nature of the alleged offence and the fact that two co-accused persons are on anticipatory bail, we are of the view that as there is no reasonable apprehension to abscond, in the interest of justice, we should allow this application for anticipatory bail.
7. Accordingly, in the event of arrest, the petitioner, namely **Manirul Miah** 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 he shall report to the Investigating Officer once in a fortnight until completion of investigation. He shall not leave the jurisdiction of the learned Trial Court until further orders.
8. 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.
9. The application for anticipatory bail is allowed.

10. 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.)