

27.11.2024
SI No.68
srm/Mujahid
(Allowed)

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

CRM(A) 888 of 2024

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure/Section 482 of the B.N.S.S. filed on **05.11.2024** in connection with **Baxirhat** Police Station Case No. **383/2024** dated **29.08.2024** under Sections **329(4)/64/62/351(4)** of the B.N.S., 2023.
And

In the matter of : **Nagendra Das**

... Petitioner.

Mr. Subhasish Misra,
Mr. Satyajit Paul,
Mr. Abhijit Chanda,
Ms. Keya Sarkar

... for the petitioner.

Mr. Abhijit Sarkar,
Mr. Biswaroop Roy

... ... for the State.

Having heard the rival submissions made on behalf of the respective parties and upon perusal of the case diary and other materials including the statement of the victim recorded under Section 183 of B.N.S.S. corresponding to Section 164 of the Cr.P.C., we find that the main allegation is directed against the accused person who is on bail and considering the role allegedly played by the petitioner, we are of the view that custodial interrogation of the petitioner is not required. Thus, the benefit under Section 482 can be extended to the present petitioner. The prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of

Rs.10,000/- (Rupees Ten thousand only), 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 B.N.S.S. The petitioner shall meet the investigating officer once in a week till the investigation is completed and on further condition that the petitioner shall appear before the jurisdictional court on each day on and from the date fixed for appearance after completion of investigation.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of B.N.S.S., the learned jurisdictional court shall be entitled to cancel the bail without further reference to this court.

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

(Partha Sarathi Chatterjee J.)

(Shampa Sarkar, J.)