

05.12.2024
SI No.42
s.biswas
(Allowed)

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

CRM (A) 978 of 2024

In Re: An application for anticipatory bail under Section 482 of the BNSS corresponding to Section 438 of the Cr.P.C. in connection with **Dinhata** Police Station Case No. **531/2024** dated **02.10.2024** under Section **126(2)/115(2)/117(2)/118(2)/303(2)/351(2)** of the BNS.

And

In Re: **Hasanur Miah @ Hasanur Rahaman**

... .. Petitioner

Dr. Arjun Chowdhury
Ms. Pratusha Dutta Chowdhury
Ms. Riya Agarwal

... for the petitioner

Ms. Sukanya Adhikary

... .. for the State

1. Petitioner prays for anticipatory bail on the ground that the complaint was lodged as a counter-blast to the complaint lodged by the petitioner's wife against the husband of the de facto complainant under the POCSO Act.
2. Learned advocate for the State produces the case diary and opposes the prayer for anticipatory bail of the petitioner. He submits that investigation is going on.
3. We have considered the nature of injury. Considering the materials on record and moreover as the incident allegedly occurred in presence of direct evidence, we are of the view that custodial interrogation of the petitioner is not necessary and the benefit under Section 482 of the BNSS

corresponding to Section 438 of the Cr.P.C. can be extended to the petitioner.

4. Accordingly, we direct that in the event of arrest, the petitioner be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of equal amount, to the satisfaction of 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 BNSS and further condition that the petitioner shall meet the investigating officer once in a week.
5. The application for anticipatory bail is, thus, disposed of.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)