

14.02.2025
SL No.6
Court No.37
(gc)
(Partly-Allowed)

CRM (A) 346 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Jagaddal Police Station Case No.229 of 2024 dated 29.06.2024 under Sections 448/323/325/302/34 of the Indian Penal Code in which charge sheet No.05 of 2025 had been submitted under Sections 323/325/304/34 of the Indian Penal Code.

And

In the matter of : **Rahul Prasad & Anr.**

- Petitioners.

Mr. Arindam Jana,
Mr. Subhajit Chowdhury,
Mr. Arhan Sengupta

....For the Petitioners.

Mr. Soumik Ganguly,
Mr. Debanik Das

... For the State.

1. This application is assigned to this Bench by the Hon'ble the Chief Justice on 11th February, 2025 in view of the order passed by the Coordinate Bench releasing the matter on the ground that the Division Bench presided over by one of us (Soumen Sen, J.) granted anticipatory bail to two of the accused persons.
2. By consent of the parties, the application is taken up for hearing.
3. We have heard the learned Counsel for the parties and perused the case diary as well as the statement of the mother of the victim recorded under Section 164 of the Cr.P.C.
4. Considering the materials available in the case diary, the nature and extent of complicity of the present petitioners in the

commission of the alleged offence and the nature of involvement of the petitioner no.2 in the commission of the alleged offence, we are not inclined to grant anticipatory bail to the petitioner no.2.

5. Accordingly, the prayer for anticipatory bail of the petitioner no. 2 is rejected.

6. However, the petitioner no.1 stands on the same footing as Bijender Ram @ Bijendra Kumar Ram & Anr. who have been granted anticipatory bail in CRM (A) 2984 of 2024 on 30th August, 2024. Accordingly, we are inclined to grant anticipatory bail to the petitioner no.1 on the same terms and conditions as imposed in respect of Bijender Ram @ Bijendra Kumar Ram & Anr.

7. Accordingly, we direct that in the event of arrest, the petitioner no.1, namely, **Rahul Prasad**, 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, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on further condition that the petitioner no.1 shall appear before the **learned Additional Chief Judicial Magistrate, Barrackpore**, within two weeks from date in connection with **G.R Case No. 4379 of 2024**.

8. It is further directed that the petitioner no.1 shall appear on each and every date of hearing before the trial Court on and from the date fixed for appearance of the accused and in default, the trial Court will pass appropriate order to secure the presence of the petitioner no.1 in court including cancelling the anticipatory bail granted without further reference to this Court.

9. Accordingly, the prayer for anticipatory bail of the petitioner no.1 is allowed and the same is accordingly disposed of.
10. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Biswaroop Chowdhury, J.)