

22.07.2024

Court No.29

Item No. 07

**Partly
Allowed**

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CRM (A) 2029 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kamarhati Police Station Case No. 56 of 2024 dated 14.04.2024 corresponding to G.R Case No. 2555 of 2024 under Sections 498A/406 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

And

In Re: Md Shahnawaz & Ors.

Petitioners

Mr. Atarup Banerjee
Mr. Arindam Sen
Mr. Sourav Basu
Mr. Arka Roy

For the Petitioners

Mr. Debasis Banerjee
Mr. Arijit Ghosh
Ms. Sudipa Biswas

For the State

Ms. Razia Sultana

For the De-facto Complainant
(in person)

1. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the instant case.
2. The de-facto complainant is appearing in person.
3. Learned counsel for the State has produced the statement of the victim recorded under Section 164 Cr.P.C and the case diary.
4. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner no. 1 in the commission of the alleged offence and considering the statement of the victim recorded under Section 164 Cr.P.C directly implicating the petitioner no. 1, we are not

inclined to grant anticipatory bail to the petitioner no.1, **Md Shahnawaz**. However, having regard to the nature of involvement of other petitioners in the commission of the alleged offence, we are of the view that custodial interrogation of the **petitioner no. 2, the petitioner no. 3 and the petitioner no. 4** is not necessary.

5. Accordingly, we direct that in the event of arrest, the **petitioner no. 2, Minnat Jahan, the petitioner no. 3, Shaista Parveen alias Shaista Siddique alias Soni and the petitioner no. 4, Farhat Jahan alias Beauty** shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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. The **petitioner nos. 2, 3 and 4** shall cooperate with the investigation till the submission of the final report and on further condition that the **petitioner nos. 2, 3 and 4** shall appear before the learned Additional Chief Judicial Magistrate, Barackpore, corresponding to G.R Case No. 2555 of 2024 within two weeks from date. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.
6. Accordingly, the prayer for anticipatory bail of the **petitioner nos. 2, 3 and 4** is allowed, however, the prayer for anticipatory bail of the **petitioner no. 1** stands rejected and the application is accordingly disposed of.

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

(Soumen Sen, J)

(Uday Kumar , J)