

04.07.2024
SL No.41
Court No.29
(gc)
(Allowed)

CRM (A) 2120 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Harischandrapur Police Station Case No.314 of 2024 dated 17.04.2024 under Sections 417/323/376/308/34 of the Indian Penal Code.

And

In the matter of : **Masum Reja**

- Petitioner.

Mr. Arup Kumar Bhowmick

....For the Petitioner.

Mr. Sagar Saha

....For the De facto Complainant.

Ms. Faria Hossain,

Ms. Sujata Das

... For the State.

1. The learned Counsel for the petitioner submits that the petitioner is in love relationship and he has been falsely implicated.
2. The learned Counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of the victim recorded under Section 164 of the Cr.P.C.
3. The learned Counsel for the de facto complainant has also opposed the prayer for anticipatory bail and relied upon the said statement. It is further stated that the family members of the petitioner are threatening the de facto complainant after they have been enlarged on bail and an application has been filed before the Trial Court for cancellation of bail.

4. Considering the materials available in the case diary, the statement of the victim recorded under Section 164 of the Cr.P.C., the nature and extent of complicity of the petitioner in the commission of the alleged offence and also having regard to the fact that the parties were admittedly in love relationship and we have also taken note of the fact that all other family members have been recently enlarged on bail, we are of the view that the custodial interrogation of the petitioner is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Masum Reja**, 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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. It is further directed that the petitioner shall not enter the jurisdiction of the Harischandrapur Police Station where the victim is residing except for the purpose of meeting the Investigating Officer till the submission of the final report.
6. It is further directed that the petitioner shall provide the address where he shall be residing presently with the Investigating Officer as well as the Officer-in-Charge of the Police Station at both the places.
7. It is also directed that the petitioner shall appear before the learned Chief Judicial Magistrate, Malda in connection with

G.R. Case No.972 of 2024 and pray for regular bail within two weeks from date.

8. Accordingly, the application for anticipatory bail is disposed of.

9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)