

27.08.2024
SL No.17
Court No.29
(gc)
(Allowed)

CRM (A) 2608 of 2024

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 Chinsurah Police Station Case No.243 of 2024 dated 10.06.2024 under Sections 498A/406/323/325/34 of the Indian Penal Code.

And

In the matter of : **Sri Bapi Paswan & Ors.**

- Petitioners.

Mr. Debasis Kar

....For the Petitioners.

Mr. Joydeep Roy,

Mrs. Paramit Sahu

... For the State.

Ms. Afreen Begum

....For the De facto Complainant.

1. The learned Counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated. It is submitted that the de facto complainant is residing in the same place with the petitioner no.1.
2. The learned Counsel for the State and the de facto complainant while opposing the prayer for anticipatory bail has submitted that by reason of the residence order in a proceeding under the Protection of Women from Domestic Violence Act, 2005, the de facto complainant is residing with the petitioner no.1 and requisition under Section 406 Cr.P.C. has been complied with, although, no ornament has been recovered.
3. Considering the aforesaid materials as revealed from the case diary and the nature and extent of complicity of the petitioners in the commission of the alleged offence, we are of the view that custodial interrogation of the petitioners is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Sri Bapi Paswan, Sri Lakshmi Ram, Smt. Manju Ram** and **Smt. Sunita (Ram)**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two registered sureties of like amount each, 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 corresponding to Section 482(2) of the BNSS, 2023. It is directed that the petitioner nos.1 and 2 shall meet the I.O. once in a week and the petitioner nos.3 and 4 shall cooperate with the investigation till the submission of the final report.
5. It is further directed that the petitioners shall appear before the learned Chief Judicial Magistrate at Chinsurah, in connection with G.R. Case No.1889 of 2024 within two weeks from date.
6. Accordingly, the application for anticipatory bail is disposed of.
7. 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.)