

04.09.2024
Court No.29
Item No. 7

Allowed
sg

CRM (A) 2814 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS, in connection with Kulti Police Station Case No. 537 of 2023 dated 02.10.2023 under Sections 498A/323/313/406/506/34 of the Indian Penal Code and Sections 3 and 4 of the D.P. Act, pending before the learned Additional Chief Judicial Magistrate, Paschim Bardhaman.

And

In Re: **Md. Parwez Rayeen @ Md. Parvej Alam**
Petitioner

Mr. Kunal Ganguly
Mr. Tirupati Mukherjee

For the Petitioner

Mr. Pravas Bhattacharya
Ms. Debolina Das

For the State

Mr. Soham Banerjee

For the defacto complainant

1. The learned Counsel for the petitioner submits that the petitioner is the husband of the sister-in-law of the defacto complainant and the petitioner is innocent and has been falsely implicated in the instant case.
2. The learned Counsel for the State, in opposing the prayer for anticipatory bail, has referred to the case diary and the statement of the defacto complainant recorded under Section 164 of the Code of Criminal Procedure.
3. Considering the materials available in the case diary, the nature of allegation and the statement of the defacto complainant recorded under Section 164 of the Cr.P.C. which does not implicate the petitioner, we are of the view that custodial interrogation of the present petitioner is not necessary.

1. Accordingly, we direct that in the event of arrest the petitioner namely, **Md. Parwez Rayeen @ Md. Parvej Alam**, shall be released on bail upon furnishing a bond of Rs.5,000/-, with two registered sureties of like amount each, to the satisfaction of the learned Additional Chief Judicial Magistrate, Paschim Bardhaman, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, subject to further condition that the petitioner shall appear before the trial court on each and every date of hearing until further orders.
2. In the event the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without any further reference to this Court.
3. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
4. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Shampa Dutt (Paul), J.)