

27.08.2024
Court No.29
Item No. 21

Allowed
sg

CRM (A) 2749 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 Contai Police Station Case No. 429 of 2024 dated 10.07.2024 under Sections 195A/354/504 of the Indian Penal Code read with sections 25/27 of the Arms Act, pending before the learned Additional Chief Judicial Magistrate, Contain, Purba Midnapore.

And

In Re: **Md. Niyamul Huda @ Md. Niamul Huda & Ors.**
Petitioners

Mr. Navanil De
Mr. Subhrajit Dey

For the Petitioners

Mr. Arani Bhattacharya

For the State

Mr. Afreen Begum

For the de-facto complainant

1. The learned for the petitioners submits that the petitioners are innocent and have been falsely implicated. It is submitted that Mr. Manas Prasad Ghatak, the Branch Manager of Balageria Central Co-Operative Bank had relationship with the wife of the petitioner no.1. The wife of the petitioner no.1 lodged a complaint on 1st November, 2021 under Sections 498A/307 of the Indian Penal Code against the petitioner nos. 1 and 2. Subsequently, on 15th January, 2024, the wife of the petitioner no.1 left the matrimonial home with her paramour namely Manas Prasad Ghatak and did not return to her matrimonial home, following which Manas Prasad Ghatak has lodged an FIR on 3rd January, 2024 inter alia alleging that he was kidnapped by the petitioner no.1 under Section 498A and 34 of the Indian Penal Code against the petitioner nos. 1, 3 and 4. It is further submitted that a civil suit is pending against the

petitioner no.4 and wife of the petitioner no.1 before the learned First Court, Contai at Purba Midnapore.

2. The learned Counsel for the State, in opposing the prayer for anticipatory bail, has submitted that the petitioner nos. 1 , 3 and 4 are defaulters as they failed to repay the loan amount granted by the Cooperative Bank and in order to avoid its liability, all of them hatched a conspiracy to malign the Manager of the said bank. The learned Counsel has also referred to the statement of the victim to demonstrate the conduct of the petitioners.
3. The learned Counsel appearing for the de-facto complainant has also opposed the prayer for anticipatory bail and submitted that she was compelled to lodged a false FIR against the then Manager of the Bank as she was threatened by the petitioners with dire consequences including to kill his son.
4. This complaint has been registered as an FIR and this application has been filed by the petitioners named in the said FIR.
5. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of alleged offence, the nature of offence and having regard to the fact that the case and counter case are pending between the parties even amongst the family members, we are of the view that the custodial interrogation of the present petitioners is not necessary.
6. Accordingly, we direct that in the event of arrest the petitioners namely, **Md. Niyamul Huda @ Md. Niamul Huda, Prasenjit Mondal, Mursed Khan and Mukesh Ali Khan**, 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, to the satisfaction of Arresting Officer, 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. The petitioners shall meet the I.O. once in a week till the submission of final report. The petitioners shall appear before the learned Additional Chief Judicial Magistrate, Contain, Purba Midnapore, within two weeks from date.

7. In the event the petitioners fail to comply with any of the conditions as mentioned above, the trial court shall be at liberty to cancel their bail in accordance with law without any further reference to this Court.
8. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
9. 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.)