

20.08.2024

Court No.29

Item No. 18

Allowed

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CRM (A) 2863 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 in connection with Chakdaha Police Station Case No. 804 of 2024 dated 21.07.2024 corresponding to Serial No. 1206 of 2024 under Sections 69/115(2)/351(3)/3(5) of the Bharatiya Naya Sanhita 2023.

And

In Re: **Jahid Hassan Mallick & Ors.**

Petitioners

Ms. Sananda Bhattacharyya

For the Petitioners

Mr. Koushik Kundu

Ms. Debjani Sahu

For the State

Ms. Sahili Dey

For the De-facto Complainant

1. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated. It is submitted that the petitioner no. 1 was in love relationship with the victim. The petitioner nos. 2 and 3 are brother-in-law and the sister of the petitioner no. 1.
2. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of the victim recorded under Section 164 Cr.P.C.
3. Learned counsel for the de-facto complainant submits that the petitioner no. 1 with false promise to marry the victim entered into love relationship.
4. Considering the materials available in case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence and having regard to the statement of the victim recorded under Section 164

Cr.P.C it, prima facie, appears that the relationship was consensual, moreover, the de-facto complainant was a married woman having child. Further more, the allegation against the petitioner nos. 2 and 3 are omnibus in nature, we are of the view that custodial interrogation of the petitioners is not necessary.

5. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Jahid Hassan Mallick, the petitioner no. 1**, 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, and **Hasan Mondal, the petitioner no. 2 and Jhuma Mallick, the petitioner no. 3**, shall be released on bail upon furnishing a bond of Rs.5,000/- each, with two registered sureties of like amount each, , 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 no. 1** shall meet the Investigating Officer once in fortnight till the submission of the final report, the **petitioner no. 2** shall meet the Investigating Officer as and when called for till the submission of the final report **and the petitioner no. 3** shall cooperate with the investigation till the submission of the final report and on further condition that the petitioners shall appear before the learned Additional Chief Judicial Magistrate, Kalyani, Nadia within two weeks from date in connection with Serial No. 1206 of 2024. 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 petitioners is allowed and the same 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)