

22.08.2024
Court No.29
Item No. 20

Allowed
sg

CRM (A) 2903 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 Taltala Police Station Case No. 38 of 2024 dated 23.04.2024 under Sections 420/406 of the Indian Penal Code, pending before the learned Chief Metropolitan Magistrate-II, Kolkata.

And

In Re: **Javed Ahamed @ Jawed Ahamed**
Petitioner

Mr. Saswata Gopal Mukherjee
Miss. Dona Sanyal

For the Petitioner

Ms. Anasuya Sinha
Mr. Kaushik Biswas

For the State

Mr. Binay Sahw
Mr. Subhajit Chowdhury

For the de-facto complainant

1. The learned Counsel for the petitioner submits that the petitioner was in love relationship with the defacto complainant and they lived together for almost four months. Due to difference, the relation broke and a false complaint has been lodged. It is further submitted that the petitioner had returned substantial amount received from the defacto complainant and only a poultry amount is yet to be returned which the petitioner assure to be returned with a short time.
2. The learned Counsel for the defacto complainant and the State have opposed the prayer for anticipatory bail.
3. The learned Counsel for the State has produced the case diary and has referred to the statement of the defacto complainant and three notices issued

under Section 41A of the Code of Criminal Procedure but not responded to by the petitioner.

4. In reply, the learned Counsel for the petitioner, however, referred to page 26 of the petition wherefrom it appears that there is endorsement of the petitioner to be present before the Investigating Officer on 1st May, 2024 with all the required documents.
5. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence and the nature of transaction and also having regard to the relationship between the parties, we are inclined to grant anticipatory bail to the present petitioner.
6. Accordingly, we direct that in the event of arrest the petitioners namely, **Javed Ahamed @ Jawed Ahamed**, 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 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 petitioner shall meet the I.O. once in a week till the submission of final report. The petitioner shall appear before the learned Chief Metropolitan Magistrate-II, Kolkata, within two weeks from date.
7. In the event the petitioner fails to comply with any of the conditions as mentioned above, the trial court shall be at liberty to cancel his bail in accordance with law without any further reference to this Court.
8. Accordingly, the prayer for anticipatory bail of the petitioner 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.)