

05.09.2024

Court No.29

Item No.21

Allowed

ar

CRM (A) 3086 of 2024

In Re:- An application for anticipatory bail under Section438 of the Code of Criminal Procedure corresponding to 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Rabindranagar Police Station Case No. 285 of 2024 dated 10.06.2024 corresponding to G.R Case No. 3094 of 2024 under Sections 498A/323/406 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act, 1961.

In Re: **Imran Khan**

Petitioner

Mr. Bibek Jyoti Basu
Mr. Sagar Saha
Mr. Sandeep Prasad Shaw
Mr. Aman Kumar Singh

For the Petitioner

Mr. Arani Bhattacharyya

bFor the State

Mr. Apalak Basu
Mr. Nazir Ahmed
Mr. Steven S. Biswas
Ms. Sangha Mitra Mridha

For the De-facto Complainant

1. Learned counsel for the petitioner submits that a false complaint has been lodged against the petitioner due to matrimonial discord. Our attention is drawn to paragraph 3(c) of the petition to show that in terms of the direction of the learned Judge In-charge dated 13th August, 2024, the petitioner sent a letter to the de-facto complainant to collect the stridhan articles. In spite of receipt of such letter, it is submitted, she did not collect the said stridhan articles. It is submitted that the petitioner is willing to handover the said stridhan articles.
2. Learned counsel for the State has produced the case diary and has referred to the statement of the mother of the de-facto complainant and also the medical report.

3. Considering the materials available in the case diary, the nature of allegation and complicity of the petitioner in the commission of the alleged offence and the medical report available in the case diary is October 2023 and the present case has been lodged on 10th June, 2024 and also having regard to the fact that the petitioner has desired to return the stridhan articles, as it appears, prima facie, appears from the letter of the petitioner addressed to the de-facto complainant, we are of the view that custodial interrogation of the petitioner is not necessary.
4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Imran Khan** 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, 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 corresponding to Section 482(2) of the BNSS, 2023. The petitioner shall meet the I.O once in a fortnight till the submission of the final report and on further condition that the petitioner shall appear before the **learned Additional Chief Judicial Magistrate, Alipore, South 24 Parganas**, within two weeks from date in connection with **G.R Case No. 3094 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.
5. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
6. The petitioner shall in the mean time prepare a list of stridhan articles and the same shall be handed over to the de-facto complainant in presence of

the I.O in the concerned police station on the date and time to be communicate to the petitioner by the I.O.

7. 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)