

19.09.2024
AD-41
Court No.29
TN
(Allowed)

CRM (A) 3375 of 2024

In Re:- An application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Berhampore Police Station Case No. 1276 of 2024 dated 29.08.2024 under Sections 85/109/351(3)/3(5) of the BNS, 2023 and under Sections 3/4 of the Dowry Prohibition Act.

And

In the matter of: **Sk. Hasan**

.... petitioner

Mr. Biswajit Tiwari

....for the petitioner

Mr. Atif Ahmed Siddiqui

....for the State

1. Heard the learned counsel for the parties.
2. It appears that there is a matrimonial dispute between the parties. The child is presently in the custody of the mother.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence, the statement of the child and there is no evidence of any injury, 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, **Sk. Hasan** 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 arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973, corresponding to Section 482(2) of the BNSS, 2023.

5. The petitioner shall meet the Investigating Officer (IO) once in a week till submission of the final report and shall not enter the jurisdiction where the *de facto* complainant is residing, except for the purpose of meeting the IO and attending the court. The petitioner shall provide the details of the place with the Officer-in-Charge of the police station concerned where he shall be presently residing and also disclose the said fact at the time of his surrender before the jurisdictional court.
6. It is further directed that the present accused petitioner shall appear before the learned Chief Judicial Magistrate, Berhampore within two weeks from date.
7. Accordingly, the application for anticipatory bail is disposed of.
8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)