

01.10.2024

Court No.29

Item No.26

Allowed

ar

CRM (A) 3500 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Debra Police Station Case No. 401 of 2024 dated 25.06.2024 corresponding to G.R Case No. 1772 of 2024 under Sections 498A/323/307/376/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

And

In Re: **XXX**

	Petitioner
Mr. Golam Nure Imrohi	For the Petitioner

Mr. Md. Adil Badr	
Mr. Tirthankar Dhali	For the State

1. Affidavit of service filed in Court is taken on record.
2. In spite of service, the victim is not represented.
3. Heard the learned counsel appearing for the parties.
4. The petitioner is the elder brother-in-law of the victim.
5. 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 and the medical report.
6. 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 having regard to the fact that Jahanara Bibi, one of the sisters of the co-accused, has clearly stated that the complainant did not visit her on 20th May, 2024 when the alleged incident had taken place, which is contrary to the statement of the victim and the allegations are essentially against the husband of the victim, we are of the view that custodial interrogation of the petitioner is not necessary.

7. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Sk. Jafar Ali** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two 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 corresponding to Section 482(2) of the BNSS, 2023. The petitioner shall meet with 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 Chief Judicial Magistrate, Paschim Medinipur, on or before 8th October, 2024** from date in connection with **G.R Case No. 1772r 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.
8. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
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)