

24.03.2025

Serial no. 5
(Anticipatory bail)
(Allowed)
(Dd)

CRM (A) 900 of 2025

*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 **Bhadreswar** Police Station Case No. **226** of **2024** dated **03.06.2024** under Sections **498A/406/323/376D/506/34** of Indian Penal Code, 1860 and Sections 3/ 4 of Dowry Prohibiton Act, pending before ACJM< Chandannagar, Hooghly.*

-And-

In the matter of : **MD. IMTIAZ**

... .. Petitioner

*Mr. Sandip Chakraborty,
Mr. Rahul Kinkar Pandey,
Mr. Tanveer Alam, Advocates
... .. For the Petitioner*

*Mr. Kaushik Biswas,
Mr. Santanu Talukdar, Advocates
... ..For the State*

1. Petitioner prays for anticipatory bail.
2. Learned advocate appearing for the petitioner submits that there was a previous complaint lodged by the de facto complainant, inter alia, under Section 498A as also under Sections 3 and 4 of the Dowry Prohibition Act against her husband and in-laws. The present police case is in respect of an alleged incident allegedly occurring one year prior to the date of the registration of the first information report. Petitioner is the friend of the husband of the de facto complainant and is falsely implicated in order to pressurize the husband of the de facto complainant.
3. Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. De facto complainant registered a statement under Section 183

of the BNSS, 2023 where, she narrates that, her husband betrayed her when she confided to him about the incident of rape. She implicates the petitioner in raping her.

4. The incident of rape spoken about by the de facto complainant relates to about a year prior to the registration of the first information report.
5. Other materials in the case diary do not tend to corroborate the claim of the de facto complainant, at this stage.
6. There is a previous proceedings initiated by the de facto complaint, inter alia, under Section 498A where her husband and the accused therein were acquitted at the trial.
7. Plea of false implication raised by the petitioner cannot be overlooked at this stage.
8. In such circumstances, we are inclined to grant anticipatory bail to the petitioner.
9. Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the arresting officer and also be 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 Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that the petitioner shall report before the Investigating Officer once in a month till the conclusion of the investigation and on further condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.
10. Prayer for anticipatory bail of the petitioner is **allowed**.

11. **CRM (A) 900 of 2025** is disposed of.

(Debangsu Basak, J.)

(Smita Das De, J.)