

CRR 3067 of 2024

Rubina Parween
Vs.
The State of West Bengal & anr.

Adv. Abdul Hamid Molla,
Adv. Sahil Hamid,
Adv. Iftekhar Alam,
Adv. Nupur Chaudhuri,
Adv. Narayan Das,

...for the petitioner.

Adv. Apzal Ansari (through VC),

...for the op. no.2.

Adv. Arijit Ganguly,
Adv. Sreemayi Roy,

...for the State.

The petitioner is aggrieved by the order dated 11th July, 2024 passed by the learned Chief Judicial Magistrate, Pashim Burdwan in GR 1645 of 2024 modifying the condition of bail granted and waiving the condition of depositing the passport of the private opposite party with the Investigating officer.

Heard learned counsels for the parties.

By the order passed on 5th July, 2024, this Court granted bail to the private opposite party upon furnishing bond of Rs.5,000/- with one surety of like amount on condition to deposit his passport before the Investigating officer until further orders. By the order impugned, the said condition was modified by the learned Magistrate who directed the opposite party to meet the Investigating officer once in a fortnight till submission of charge sheet instead of depositing his passport before the Investigating officer.

Learned counsel for the petitioner submits that if the passport of the opposite party is not deposited with the Investigating officer, the opposite party may flee from the country for which trial may be hampered.

Per contra, learned counsel for the private opposite party submits that in a domestic discord between the parties, the private opposite party cannot be directed to submit his passport before the Investigating officer. The private opposite party ordinarily works for gain outside India and depositing his passport before the Investigating officer shall affect his livelihood.

The allegation against the opposite party is under Sections 498A/323/406/120B of the Indian Penal Code, under Sections 3/4 of the Dowry Prohibition Act and under Sections 3/4 of the Muslims Women (Protection of Rights on Marriage) Act. The private opposite party has been directed by the learned Magistrate to meet the Investigating officer of the case once in a fortnight till submission of charge sheet.

True, in a case as the present one, the opposite party need not be directed to submit his passport before the Investigating officer. However, the private opposite party is directed to intimate the learned Chief Judicial Magistrate, Paschim Burdwan on every occasion before leaving the country.

The order impugned dated 11th July, 2024 is modified accordingly.

With the above observation and direction, CRR 3067 of 2024 is disposed of.

Urgent certified website copy of this order, if applied for, be given to the parties on compliance with all requisite formalities.

(Suvra Ghosh, J.)