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4.9.2020
Ks/sk

C.R.M. No. 5336 of 2020
C.R.A.N/1/ 2020(Old No.CRAN/ 3650/2020)

In the matter of an application for bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 6.8.2020 in connection with Burwan Police Station Case No. 285 of 2019 dated 6.08.2019 under Sections 498A/313/34 of the Indian Penal Code.

And

In Re : Rabijamal Sk @ Rabi Jamal Sk & Ors.
... Petitioners.

Mr. Somnath Adhikary
...for the petitioners.

Mr. Arijit Ganguly,
Mr. Sanjib Kumar Dan

...for the State.

The petitioners undertake to affirm and stamp the petition as per the Rules within one month of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The learned Advocate for the petitioners submits that the petitioners are innocent of the charges leveled against them and the present case was initiated because of matrimonial discord. The learned Advocate further submits that going by the allegations the custodial detention of the petitioners may not be warranted.

Mr. Ganguly, learned Advocate appearing for the State opposes the prayer for anticipatory bail and submits the memo of evidence.

We have perused the materials-on-record as well as the memorandum of evidence which reflects that charge

sheet has already been submitted. Considering the stage of the case , we are of the opinion that the custodial detention of the petitioners are not warranted. Accordingly, we allow the prayer for anticipatory bail subject to the condition that :-

- i) the petitioners would surrender themselves before the learned CJM, Murshidabad by 30th September, 2020.
- ii) The petitioners, in the meantime, shall meet with the Investigating Officer once a week and in case the Investigating Officer feels that the petitioners' arrest is warranted, in that case the Investigating Officer after arrest, shall release them on furnishing a bond of Rs.10,000/-(ten thousand only) each with two sureties of like amount each and on condition that the petitioners should abide by the provisions of Sub-Section 2 of Section 438 Cr.P.C.

This order of anticipatory bail is valid till 30th September, 2020.

With the above observations, CRM. 5336 of 2020 and C.R.A.N/1/ 2020(Old No.CRAN/ 3650/2020) are disposed of.

(Samapti Chatterjee, J.)

(Tirthankar Ghosh, J.)