

21.09.2020
tkm
sl no. 59

C.R.M. 6452 of 2020
CRAN 1 of 2020
(via video conference)

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Thanarpara P.S case no. 153 of 2020 dated 1.8.2020 under section 498A/306/120B/34 of the Indian Penal Code

And

Allowed

In Re : Masadul Islam Molla @ Asadul Molla & Ors.

..... petitioners

Mr. Asraf Mondal

..... for the petitioners

Ms. Sujata Das

..... for the State

Petitioners undertake to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the court. Subject to such undertaking, the application is taken up for hearing through video conferencing.

Accordingly, the application being CRAN 1 of 2020 is disposed of.

Learned counsel appearing for the petitioner submits that the incident occurred ten years after marriage.

Learned lawyer for the State opposes the prayer for anticipatory bail.

Having considered the materials on record and bearing in mind the general and omnibus nature of allegations and as the incident occurred ten years of marriage and the statutory presumption under section 113A of the Evidence Act is not attracted in the facts of the case, we are inclined to grant anticipatory bail to the petitioners

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- each 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.

The application being CRM 6452 of 2020 is disposed of.

(Kausik Chanda, J.)

(Joymalya Bagchi, J.)