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09-10-2020

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Court 23

C.R.M. 7346 of 2020
IA No. 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 Kolaghat Police Station Case No. 251 of 2020 dated 03.09.2020 under Sections 498A/323/325 of the Indian Penal Code.

Allowed

Sabir Ali Khan alias Sabir Ali Kha
Versus
State of West Bengal

Mr. Shataroop Purkayastha, Adv.

...for the petitioner.

Mr. Goutam Wilson, Adv.

...for the State.

The petitioner undertakes to affirm and stamp the petition/application 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.

CRAN 1 of 2020 is accordingly, disposed of.

The learned Counsel for the petitioner submits that due to matrimonial dispute between the parties, a false complaint has been lodged by his wife.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail. It is submitted that the lady was subjected to torture, both physically and mentally by her husband due to family issue.

Considering materials available with the case diary and the injury report and the nature and extent of complicity of the petitioner in the commission of the alleged offence, we are of the opinion that custodial interrogation of the petitioner is not necessary and the petitioner may be granted anticipatory bail.

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, one of whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and the petitioner shall cooperate with the investigation and shall pray for regular bail from the trial court on or before 30th November, 2020.

In the event he fails to comply with the conditions as enshrined hereinabove, the trial court shall be at liberty to cancel his bail automatically without reference to this Court.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)