

CRM 8587 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.144 of 2020 dated 18.07.2020 under Sections 498A/323/307/34 of the Indian Penal Code.

And

In the matter of: **Hidatulla Sk & Ors.**

.... Petitioners

Mr. Asraf Mandal

... For the Petitioners

Mr. Imran Ali

Mr. M.F.A. Begg

... For the State

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

The petitioners claim that the wife of 17 years of the first petitioner has lodged a complaint following a tiff with her husband.

The State says that there are credible witness statements of regular torture being inflicted on the survivor. The State says that the petitioner no.1 has married a second time.

Considering the entire circumstances, the custodial interrogation of the petitioners will not be necessary. However, the petitioner no.1 should immediately make over a sum of Rs.20,000/- to the complainant. This amount will abide by the outcome at the trial

and in the event the petitioners are convicted, the amount will be a part of the compensation to the survivor.

The petitioner no.1 husband and the other petitioners will be released on anticipatory bail provided such payment is first made.

Subject to the above, in the event of arrest, the petitioners will be enlarged on bail upon furnishing security of Rs.20,000/- (Rupees Twenty Thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer.

The petitioners will also abide by the conditions laid down in section 438(2) of the Code.

CRM 8587 of 2020 is disposed of.

(Sanjib Banerjee, J.)

(Hiranmay Bhattacharyya, J.)