

18.01.2021
Item No.202
Ct.No.28
s.d.
Allowed

C.R.M. 180 of 2021
(Via Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

And

In the matter of : Safiuddin Mollick and ors. ... Petitioners.

Mr. Mukteswar Maity

... For the Petitioners.

Mr. S. S. Imam

Mr. Arabinda Manna

... For the State.

Mr. Aniket Mitra

Mr. Umesh Kumar Saw

...for the de facto complainant.

Apprehending arrest in connection with Chanditala Police Station Case No. 421 of 2020 dated 13-12-2020 under Sections 498A/323/325/307/377/354/120B of the Indian Penal Code, the present application has been filed.

The learned advocate appearing for the petitioner submits that the marriage of the petitioner no.1 with the *de facto* complainant was solemnized in the year 2006. The complaint has been lodged in the year 2020 and the allegations contained in the same are absolutely unfounded. In view thereof, custodial detention of the petitioners is not necessary.

Learned advocate appearing for the State opposes the petitioners' prayer for anticipatory bail and draws our attention to several documents in the case diary.

Upon perusal of the materials available in the case diary, we do not find any ingredient pertaining to offence under Section 377 of the Code of Criminal Procedure. The injury report only speaks of headache and backache. Considering the nature of allegations, we are of the opinion that custodial detention of the petitioners is not warranted.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each 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 a further condition that the petitioner no.1 shall meet with the Investigating Officer of the case once a week on and from 25th January, 2021, until further orders.

The application for anticipatory bail, being CRM 180 of 2021 is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)