

CRM No.970 of 2021
(via video conference)

22.04.21
(S.R.)
Sl.220
Ct.28

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Jalangi Police Station Case No.851 of 2019 dated 15.12.2019 under Sections 498A/376A/379/511 of the Indian Penal Code;

And

In re: Rubel Sk

... petitioner.

Mr. Abhimanyu Banerjee

... for the petitioner.

Mr. Arijit Ganguly

Mr. Sanjib Kumar Dan

...for the State.

We have perused the materials on record and we find that the instant case was initiated pursuant to MAT Suit No.27 of 2018 being filed at the instance of the present petitioner. The allegations in the complaint arose out of matrimonial dispute and it is seen that the complainant was staying separately for a considerable period of time.

We have taken into account the materials appearing in the case diary and the criminal case being registered pursuant to the MAT Suit being filed.

Having regard to the same, we are of the view that custodial detention of the petitioner is not warranted. As such, prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Rubel Sk** shall be released on bail upon furnishing a bond of Rs.10,000/- 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.

This order of anticipatory bail will remain in force for a period of four weeks from date within which the petitioner shall surrender before the learned Chief Judicial Magistrate, Murshidabad at Berhampore and pray for regular bail. The learned Chief Judicial Magistrate would impose conditions as he thinks fit and proper taking into account the investigation of the case is still in progress and the petitioner happens to be an army personnel.

With the above observations, the application for anticipatory bail being CRM No.970 of 2021 is allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)