

62 02.12.2021
(AD)
Court No.29
(Allowed)

**C.R.M. 4975 of 2021
(Via Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 27.07.2021 in connection with **Kaliganj** P.S. Case No. **350 of 2021** dated **03/07/2021** under Sections **498A/379/34** of the Indian Penal Code, 1860.

And

In the matter of: Amiruddin Sekh & Anr.

....petitioners.

Mr. Prosenjit Mukherjee
Mr. Jahangir Hossain
Mr. Saptarshi Chakraborty
Mr. Arghya Kamal Das

...for the petitioners.

Mr. S.S. Imam
Mr. Subrato Roy

...for the State.

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioner no.2 applied for restitution of conjugal rights with the de facto complainant. It is only thereafter that the present police complaint was lodged. The petitioners were falsely implicated.

Learned Advocate appearing for the State draws the attention of the Court to the statement recorded under Section 161 of the Code of Criminal Procedure.

Considering the materials in the case diary and considering the fact that the petitioner no.2 applied for restitution of conjugal rights prior to the police complaint being lodged, we 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall meet the Investigating Officer once a month till the conclusion of the investigation and that they shall appear before the jurisdictional Court and pray for regular bail within four weeks from date.

The application for anticipatory bail being C.R.M. 4975 of 2021 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)