

14.12.2021.

34.

as

(Allowed).

C.R.M. 5244 of 2021

In Re:- An application for anticipatory bail under Section 438 read with Section 482 of the Code of Criminal Procedure in connection with Diamond Harabour (Diamond Harbour Women) P. S. Case No.27 of 2018 dated 13.07.2018 under Sections 498A/406/307 of the Indian Penal Code.

In the matter of : Ali Ahmed Molla @ Rohul Molla.

... Petitioner.

Mr. Sandip Kr. Bhattacharyya.

...for the Petitioner.

Mr. Saswata Gopal Mukherjee, Id. P.P.,

Ms. Sayanti Santra.

.....for the State.

Heard the learned Advocates appearing for the parties.

Petitioner claims to be a juvenile at the time of commission of the offence. It is contended that he has been falsely implicated in the instant case.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail and submits the petitioner and other in-laws subjected the housewife to torture.

We have considered the materials on record. Allegations of torture against the petitioner are general and omnibus in nature. Though it is alleged that the petitioner and the other accused persons tried to smother the victim housewife, there is no corresponding medical report in support of such allegation. Medical paper relates to treatment for burn injury

and that too in December, 2018 whereas the incident is alleged to have occurred in July, 2018.

In view of the aforesaid facts and the extent of complicity of the petitioner in the alleged crime, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, 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 on further condition that the petitioner shall appear before the trial court and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, disposed of.

(Bivas Pattanayak,J.)

(Joymalya Bagchi, J.)