

10.11.2021

CRM 6915 of 2021

Court No.28
Item No.36
(ALLOWED)

Ab

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 25.10.2021 in connection with English Bazar Women's Police Station Case No. 129 of 2021 dated 05.07.2021 under Sections 498A/307/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act;

And

In the matter of : **Md. Ikbal Hossain.**

...Petitioner.

**Ms. Jeenia Rudra,
Ms. S. Dey.**

...For the Petitioner.

**Mr. Rana Mukherjee,
Mr. Pravas Bhattacharya,
Ms. Debjani Sahu.**

... For the State.

The Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

Apprehending arrest in connection with English Bazar Women's Police Station Case No. 129 of 2021 dated 05.07.2021 under Sections 498A/307/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, the petitioner has filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

The instant anticipatory bail has been filed by the husband of the complainant with categorical statement that there was a matrimonial dispute between them, which led to filing of a suit before the civil court seeking declaration that the defacto complainant be restrained from claiming the petitioner as husband, as she voluntarily severed such relation. After filing of the said suit, a

complaint has been lodged alleging that the petitioner attempted to kill the complainant by putting a pillow on her face. Apart from such bald statement there is no corroborative evidence, which has been produced by the complainant.

We do not find that it is a fit case where the custodial interrogation of the petitioner is necessary.

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, one of whom must be local, 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 petitioner shall meet the investigating officer once in a fortnight until further orders.

The application for anticipatory bail being CRM 6915 of 2021 is, thus, **allowed**.

(Harish Tandon, J)

(Rabindranath Samanta, J.)