

15.11.2021

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Allowed

**C.R.M. 7099 of 2021
(via video conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Asansol North Police Station Case No. 263 of 2021 dated 04.09.2021 under Sections 498A/327/335/ 442/406/341 /506/ 354(C)/509/120B/34 of the Indian Penal Code.

And

In Re : Afsar Sekh & Ors. petitioners

Mr. Kallol Mondal
Mr. Moniruzzaman
Mr. Krishan Roy

.....for the petitioners

Mr. Bidyut Kumar Roy
Ms. Sima Biswas

....for the State

Learned advocate appearing for the petitioner submits that the defacto complainant/wife had left the matrimonial home without reasonable cause. A matrimonial suit was instituted being MAT Suit No. 30 of 2011 and a decree for restitution of conjugal rights was passed by the appropriate court. Subsequently the defacto complainant started residing with the petitioner as husband and wife. Subsequently, she again left the matrimonial home and falsely implicated the petitioner in the instant case.

Learned advocate appearing for the State opposes the prayer for bail and submits that the defacto complainant was physically assaulted and driven out of her matrimonial home.

We have considered the materials on record including the injury report. The injury is simple in nature and there is about two months' delay in lodging the first information report. Under such circumstances, we are of the opinion though custodial interrogation of the petitioners may not be necessary, petitioners require to co-operate with the investigation in accordance with law.

Accordingly, we 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, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further conditions that the petitioner no. 1 shall meet the investigating officer once in a week until further orders and shall appear before the court below and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)