

CRM 8007 of 2021

In Re: - An application for bail under Section 438 of the Code of Criminal Procedure filed in connection with **Kaliachak** P.S. Case No. **262/2021** dated **06.03.2021** under Sections **195(A)/34** of the Indian Penal Code.

And

In the matter of: **Md. Mohai Mainul Islam & Anr.**

....Petitioners

Mr. Milon Mukherjee, Sr. Adv.

Mr. U. A. Dewan

Mr. Asif Dewan

...for the Petitioners

Mr. Iqbal kabir

...for the State.

It is submitted on behalf of the petitioners that the instant case has been registered in order to harass and humiliate them owing to matrimonial dispute between petitioner no. 1 and his wife. It is further contended that the petitioners had been granted pre arrest bail in an earlier case registered by the *de facto* complainant.

Learned lawyer for the State opposes the prayer for anticipatory bail and submits that the petitioners are threatening and intimidating the *de facto* complainant.

We have considered the materials on record. There is a matrimonial dispute between the petitioner no. 1 and his wife. In view of the aforesaid facts, we are of the opinion though custodial interrogation of the petitioners may not be necessary, movement of the petitioners requires to be restricted in order to instill confidence in the mind of the *de facto* complainant.

The prayer for anticipatory bail is thus allowed.

Accordingly, we direct that in the event of arrest, the petitioners be released on bail upon furnishing a Bond of Rs. 10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each one of whom must be local, to the satisfaction of the arresting officer and on further condition that the petitioners shall stay outside the jurisdiction of Kaliachak Police

Station and shall not enter the said jurisdiction except for attending Court proceeding and shall meet the Investigating Officer once a week until further orders and shall disclose their present address to the Officer-in-Charge of the concerned police station 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 appear before the Court below and pray for regular bail within four weeks from date.

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

(Joymalya Bagchi, J.)

(Bivas Pattanayak, J.)