

12.03.2021.
145.
as
(Partly
Allowed).

C.R.M. 11057 of 2020

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Jamalpur P.S. Case No.262 of 2020 dated 27.10.2020 under Sections 498-(A)/323/506 of the Indian Penal Code.

In the matter of : Mahammad Ejaz Ahamed Ali
@ Md. Ejaj Ahamed Ali @ Babai & Ors..
... Petitioners.

Mr. Amarnath Sukul.
...for the Petitioners.
Ms. Sukanya Bhattacharyya,
Mr. Nirupam Dhali.
.....for the State.

Apprehending arrest in connection with Jamalpur P.S. Case No.262 of 2020 dated 27.10.2020 under Sections 498-(A)/323/506 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail.

It is submitted by the learned Advocate appearing for the petitioners that they have been falsely implicated by the de-facto complainant in the aforementioned case and the allegations levelled therein is devoid of any truthfulness and is outcome of a vengeance.

On the other hand, the learned Advocate appearing for the State opposes the prayer for bail and submits that on the basis of the complaint filed by the de-facto complainant, the aforesaid case has been lodged on the above provisions of law

and the investigating is still in progress. It is further submitted that there is a serious allegations made against the petitioners and, therefore, the custodial interrogation of the petitioners is necessary to unearth the truth.

After hearing the respective Counsels and the materials available from the Case Diary, it appears that there is an allegation of assault upon the de-facto complainant on 17.10.2020. The petitioners have annexed the certified copy of the plaint of the Matrimonial Suit No.57 of 2020 filed by the de-facto complainant in the Court of the learned Additional District Judge at Nadia wherefrom it transpires that the allegation of torture and/or the physical or mental assault alleged to have been perpetrated on the particular date.

In view of the contradictions perceived from the aforesaid two documents, we feel that it is a fit case where the petitioners should get the immune from being pre-arrest.

Accordingly, the application is allowed.

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, one must be local subject to the satisfaction of the arresting officer with further condition that the petitioners shall meet the Investigating Officer once in a week except the petitioner no.3 who shall make her available as and when shall be called for by the investigating officer until further order. Apart from the aforesaid conditions, the further conditions enshrined under

Section 438(2) of the Code of Criminal Procedure, 1973 shall also apply.

This application for anticipatory bail is, thus, allowed.

(Harish Tandon, J.)

(Kausik Chanda,J.)