

29.07.2021

Court No.28
Item No.22
(allowed-in-
part)

Saswata
&
ab

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

(Via Video Conference)

CRM 664 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with New Jalpaiguri Police Station Case No. 1278 of 2020 dated 25.10.2020 under Sections 341/323/325/379/506/306/34 of the Indian Penal Code (G.R. Case no. 4666 of 2020).;

And

In the matter of : **Md. Anwarul Sheikh & Ors.**

...Petitioners

Mr. Joydeep Kanta Bhowmick

...For the Petitioners

Mr. Ujjal Luksom

Mr. Tapan Bhattacharjee

...For the State.

Ms. Hashina Khatoon

... For the de facto

The Advocate-on-record of the petitioners 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 New Jalpaiguri Police Station Case No. 1278 of 2020 under Sections 341/323/325/379/506/306/34 of the Indian Penal Code (G.R. Case no. 4666 of 2020), the petitioners have filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

Having heard the learned advocates for the petitioners, State and the *de facto* complainant and on careful perusal of the case diary, it reveals that the *de facto* complainant being the wife of the petitioner no.1, left her matrimonial home on 5th January 2020. Since then, she has been residing at her paternal home. The allegation is that in the first part of January 2021, the petitioner no. 1 came to the paternal home of the *de facto* complainant and asked the father of the *de facto*

complainant to get a divorce paper signed by her. In order to avoid altercation, she left to the house of her paternal aunt but the petitioner no.1 chased her, abused her, assaulted her with fists and blows and tried to strangle her.

On the basis of the said complaint, the above case was registered.

We have meticulously perused the case diary. We do not find any materials against the petitioner nos. 2 and 3 and they are entitled to be released on anticipatory bail. So far as the petitioner no.1 is concerned, we find incriminating materials against him. Hence his prayer for anticipatory bail is refused.

Accordingly, we direct that in the event of arrest the petitioner nos. 2 and 3, namely, **Md. Wazir Ansari and Kader Ali** shall be released on bail upon furnishing a bond of ₹10,000/- each with two sureties of like amount each, one of whom must be local, 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.

The application for anticipatory bail being CRM 664 of 2021 is, thus, ***disposed of***.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)