

01.02.2022

Court No.32
rpan / 12

CRM (A) 57 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re.: **Md. Gulam Mustafa**

- Petitioner

Mr. Suman De,

Mr. Kazi M. Rahman

... for the Petitioner.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,

Ms. Faria Hossain

Ms. Sonali Das

... for the State.

As prayed for, leave is granted to the learned advocate-on-record of the petitioner to make necessary correction in the cause title of the application for anticipatory bail.

Apprehending arrest in connection with Kaliachak Police Station Case No.953 of 2021 dated 09.09.2021 under Section 4 of the Muslim Women (Protection of Right on Marriage) Act, 2019, the petitioner has filed the present application.

Mr. De, learned advocate appearing for the petitioner submits that the petitioner has been falsely roped in on a purported allegation that he had made pronouncement of *Talaq*. The petitioner's contention is that the *de facto* complainant herself left the matrimonial house along with her minor son and thereafter, preferred the application under Section 125 of the Code and the petitioner is also presently paying maintenance of Rs.8,000/- per month to the *de facto* complainant. In the said conspectus, custodial interrogation may not be necessary and he may be granted anticipatory bail.

Ms. Das, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

Having heard the learned advocates and considering the materials in the case diary, the nature of accusations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not warranted. As such, prayer for anticipatory bail is allowed.

Accordingly, in the event of arrest the petitioner, namely, **Md. Gulam Mustafa** 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that he shall meet with the Investigating Officer of the case once a fortnight till investigation is complete.

It is further directed that the petitioner shall attend the learned court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM (A) 57 of 2022, is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)