

03.02.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 472 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kirnahar** Police Station Case No. **02** of **2022** dated **16.01.2022** under Sections 498A/323/307/313 of the Indian Penal Code, 1860 and under Sections 3/ 4 of the Dowry Prohibition Act.

And

In Re : Sk Nur Ali @ Sk Nur Ali Molla & Ors.

..... petitioners

Mr. Soumik Ganguly

Mr. Sourat Nandy

Mr. Raja Das

....for the petitioners

Mr. M. Sharma

Ms. Mausumi Sarkar

....for the State

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioner submits that, the police complaint was lodged as a counter-blast to the suit for divorce filed by the petitioner in earlier point of time being Matrimonial Suit No. 39 of 2021. He submits that, the de-facto complainant was residing at her paternal home since 2019.

Learned advocate appearing for the State draws the attention of the Court to the contents in the case diary. She submits that, the de-facto complainant underwent two miscarriages in 2019 and 2020.

Considering the materials in the case diary and considering the fact that a matrimonial suit is pending between the petitioner no. 3 and the de-facto complainant, we grant anticipatory bail to the petitioners.

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, 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 condition that the petitioner nos. 1 and 3 i.e. Sk Nur Ali @ Sk Nur Ali Molla and Sk Ashanur Hussain @ Sk Ehesanur Hossain respectively shall meet the Investigating Officer once in a month till the conclusion of the investigation and petitioner no. 2, Sk Rausanara Bibi @ Rausanara Begam shall cooperate with the Investigation till the conclusion of the investigation and on condition that the petitioners shall appear before the jurisdictional court on every date fixed and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

