

08.03.2022

Court No.32

SM,J.

rpan / **77**

CRM (A) 658 of 2022

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

And

In Re: **Ajgar Ali Shekh**

- Petitioner

Mr. Kallol Kumar Basu,

Mr. Md. Jajjat ul Firdous,

Ms. Tithi Majumdar

... for the Petitioner.

Mr. Goutam Wilson

... for the State.

Apprehending arrest in connection with Hingalganj Police Station Case No. 162 of 2021 dated 05.10.2021 under Sections 498A/406/325/313/34 of the Indian Penal Code and Section 4 of the D. P. Act, the petitioner has filed the present application, praying for anticipatory bail.

Mr. Basu, learned lawyer appearing for the petitioner submitted that the allegations are baseless. There is no instance of abortion, although alleged in the written complaint. The other co-accused persons are on bail. The present petitioner, being the husband, has meagre evidence against him regarding the alleged offence. Accordingly, he prayed for anticipatory bail on any stringent condition.

Mr. Wilson, learned lawyer appearing for the State, invited our attention to the medical report, injury report and statement of witnesses, on the basis of which he submitted that there are incriminating elements against the present petitioner and he

should not be allowed anticipatory bail. His custodial detention is necessary for the sake of investigation.

Heard the rival submissions and perused the C.D.

The injury report shows simple injury. We cannot rule out the possibility of a common family discord between the husband and his wife. We are not able to find any overt act attributable to the petitioner, conducive to committing suicide, *prima facie*. No medical document is there to indicate commission of offence under Section 313 of the Indian Penal Code, 1860.

On perusal of the C.D. and other materials on record and considering the complicity of the present petitioner, we are inclined to allow the present application for anticipatory bail and direct that in the event of arrest, the petitioner, namely, **Ajgar Ali Shekh** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) 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 direction that he shall meet with the Investigating Officer of the case once a week till pending of the investigation.

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 his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM (A) 658 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.)