

8 20.04.2022
(AD) Court No.29
(Allowed)

C.R.M. (A) 1762 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chanchal** P.S. Case No.**1159** of **2021** dated **28/12/2021**, (Corresponding to G.R. No.-3069/2021) under Sections **366/34** of the Indian Penal Code.

And

In the matter of: Alam Ali @ Alam Sk @ Sk Alam @ Sekh Alam & Ors.

....petitioners.

Ms. Minoti Gomes
Mr. Arup Sarkar
Mr. Debayan Ghosh

...for the petitioners.

Mr. Saswata Gopal Mukherji, Ld. PP
Mr. Partha Pratim Das
Ms. Manasi Roy

...for the State.

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the de facto complainant and the petitioner no.1 were married. She refers to the certificate of marriage between them. She submits that the de facto complainant on her own gave “Talak” to the petitioner no.1. The police complaint was filed subsequently in order to falsely implicate the petitioners.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement of the de facto complainant recorded under Section 164 of the Code of Criminal Procedure.

In view of the certificate of marriage in respect of the marriage between the petitioner no.1 and the de facto complainant and in view of the “Talaque E Tafuiz” annexed to the

petition and in view of the gravity of the offence and the involvement of the petitioners therein as transpiring from the materials in the case diary and in view of the fact that the police submitted charge sheet, 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/- (Rupees Ten Thousand Only) each with two sureties of like amount each to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default, the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 1762 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)