

17.05.2022
Serial no. 12
[Dd]
(Anticipatory bail
Allowed)

CRM (A) 2158 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Ratua** Police Station Case No. **129** of **2022** dated **23.03.2022** under Sections **4** of Muslim Women (Protection of Right on Marriage) Act, 2019 corresponding to G.R. Case No. **639/2022**.

-And-

In the matter of : **Badrul Islam @ Md. Badrul Islam**
... .. Petitioner

Mr. Sourav Paul, Advocate
... .. For the Petitioner

Mr. Sujan Chatterjee, Advocate
... ..For the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner did not pronounce 'Talak' upon his wife. Therefore according to him, Muslim Women (Protection of Right on Marriage) Act, 2019 does not apply in the facts of the present case.

Learned advocate appearing for the State submits that there are statements of the neighbours recorded under Section 161 of the Criminal Procedure Code where such neighbours claim that the petitioner pronounced 'Talak' upon the de facto complainant.

It is a disputed fact as to whether, the petitioner pronounced 'Talak' or not.

In such circumstances, considering the gravity of the offence and the involvement of the petitioner therein, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), 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 shall report before the Investigating Officer once in a fortnight till the conclusion of the investigation and on further condition that the petitioner 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 petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is **allowed.**

CRM (A) 2158 of 2022 is **disposed of.**

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)