

24 18.05.2022
(AD)

Court No.29
(Partly
Allowed)

C.R.M. (A) 2216 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Harishchandrapur** P.S. Case No.175 of 2020 dated **07/03/2020** under Sections **498A/323/307/34** of the Indian Penal Code, 1860.

And

In the matter of: Jalal Ali & Anr.

....petitioners.

Mr. Soupal Chatterjee
Ms. S. Ray

...for the petitioners.

Mr. Prasun Kumar Datta, Ld. APP
Mr. Nirupam Dhali

...for the State.

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioners were falsely implicated.

Learned Advocate appearing for the State draws the attention of the Court to the statements of the neighbours recorded under Section 161 of the Code of Criminal procedure.

Considering the fact that the police complaint was lodged within five years of marriage and considering the gravity of the offence and the involvement of the petitioners therein, we are unable to enlarge the petitioner no.1, namely, Jalal Ali, on anticipatory bail.

Accordingly, the prayer for anticipatory bail of the petitioner no.1, namely, Jalal Ali, is rejected.

However, we grant anticipatory bail to the petitioner no.2, namely, Rahima Bibi @ Rohima Bibi.

Accordingly, we direct that in the event of arrest, the

petitioner no.2, namely, Rahima Bibi @ Rohima Bibi, 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 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 no.2, namely, Rahima Bibi @ Rohima Bibi will cooperate with the investigation till the conclusion of the investigation and on condition that the petitioner no.2, namely, Rahima Bibi @ Rohima Bibi 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 no.2, namely, Rahima Bibi @ Rohima Bibi in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail of the petitioner no.2, namely, Rahima Bibi @ Rohima Bibi, is allowed.

C.R.M. (A) 2216 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)