

21.06.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 2792 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tehatta** Police Station Case No. **395** of **2022** dated **21.05.2022** under Sections 498A/325/323/354B/307/34 of the Indian Penal Code, 1860.

And

In Re : Abutaleb Sekh @ Abutalep Sekh & Ors.

..... petitioners

Mr. Manas Kumar Das

....for the petitioners

Ms. Sreeparna Das

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the petitioners were falsely implicated. The de-facto complainant was in an illicit relationship, which was protested by the petitioners and the family members of the husband. There is no complaint against the husband.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. In response to query of the Court, she submits that, the victim is yet to record statement under Section 164 of the Code of Criminal Procedure (Cr.P.C.). Three children are at Bangalore and as such their statements could not be recorded.

Considering the materials in the case diary, the gravity of the offence and the involvement of the petitioners therein, we deem it appropriate to enlarge the petitioners on anticipatory bail.

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 (Abutaleb Sekh @ Abutalep Sekh), 2 (Saiful Shaikh @ Shaikh), 3 (Jalauddin Sk @ Jalaluddin Sk) and 4 (Alauddin Sekh) shall meet the investigating Officer once a fortnight till the conclusion of the investigation and petitioner nos. 5 (Rupia Bibi @ Rupiya) and 6 (Punka Bati Khatun Mandal @ Punka Bati Bibi) shall cooperate with the Investigating Officer till the conclusion of the investigation 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)