

05.07.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 3154 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gaighata** Police Station Case No. **181** of **2021** dated **06.03.2021** under Sections 498(A)/506/376/511/120B/323/307 of the Indian Penal Code, 1860.

And

In Re : Sahabuddin @ Sahabuddin Mondal

..... petitioner

Mr. D. Deb

Mr. Pabitra Biswas

....for the petitioner

Mr. Sudip Kumar

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the present police complaint is a counter-blast to the proceedings under Section 125 of the Code of Criminal Procedure (Cr.P.C.), which was filed earlier in point of time by the mother-in-law of the complainant.

Learned advocate appearing for the State refers to the materials in the case diary.

The contention of the petitioner, at this stage, cannot be overlooked. There is a 125 Cr.P.C. proceeding pending, which is prior in point of time. The police filed charge-sheet. Consequently, we 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/-, 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 condition that the petitioner shall appear on every date 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)