

C.R.M. (A) 3245 of 2022

11.07.2022
Sl. 5
Court No.29
(AD)
(Allowed)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Ratua** Police Station Case No. **285** of **2022** dated **04.06.2022** under Sections **448/427/376/511/506** of the Indian Penal Code. (Corresponding to G.R. No.-1355/2022)
And

In the matter of: **Sk Moktar Alam @ Muktar Alam @ Golden Alam @ Sk. Moktar Ali**

....petitioner.

Ms. Minoti Gomez
Ms. Sabnam Laskar

...for the petitioner.

Ms. Faria Hossain
Ms. Baisali Basu

...for the State.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner is married to the de facto complainant. The petitioner filed a proceedings for restitution of conjugal rights. Thereafter, the present police complaint was lodged as a counterblast.

Learned Advocate appearing for the State draws the attention of the Court to the statement of the victim recorded 164 of the Code of Criminal Procedure.

Considering the fact that there is a prior proceedings for restitution of conjugal rights and considering the relationship between the petitioner and the de facto complainant, 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/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the Arresting Officer and

subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will report before the Investigating Officer as and when called for till the conclusion of the investigation 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.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 3245 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)