

25.07.2022
Serial no.43
Aloke

CRM (A) 3517 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Malda Police Station Case No. 137 of 2022 dated 27.03.2022 under Sections 498A/325/308/506/34 of the Indian Penal Code and Section 3/4 of the D.P. Act.

-And-

In the matter of : **Iqbal Hossain @ Sk Ikbal**

... ... Petitioner

Mr. Arup Kr. Bhowmick, Advocate

... ... For the Petitioner

Mr. B.K. Roy, Advocate

Ms. Kum Kum Mitra, Advocate

... ... For the State

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that the police complaint was lodged after the petitioner applied for restitution of conjugal rights.

Learned Advocate appearing for the State draws the attention of the Court to the medical report of the de facto complainant and to the statement of the neighbours recorded under Section 161 of the Code of Criminal Procedure.

The application for anticipatory bail contains an application dated December 13, 2021 lodged at the behest of the petitioner for restitution of conjugal rights.

The application for conjugal rights was filed on January 7, 2022. The date of the incident is January 28, 2022.

The injury report of the de facto complainant suggests that the injuries suffered by the de facto complainant were grievous in nature. The statements of the neighbours recorded under Section 161 of the Code of Criminal Procedure implicates the petitioner. Such statements speaks of physical assault on the de facto complainant by the petitioner.

Considering the gravity of the offence and the involvement of the petitioner therein as transpiring from the materials in the case diary, we are unable to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is rejected.
CRM (A) 3517 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)