

04.08.2022

28

Ct. No. 29

KAUSHIK

Partly

Allowed

C.R.M.(A) 3735 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Mothabari** Police Station Case No. **209** of **2022** dated **28.05.2022** under Sections 498A/306/120B of the Indian Penal Code, 1860.

And

In Re : Mostak Sk. @ Mustak & Anr.

..... petitioners

Mr. Mrityunjoy Chatterjee

Md. G. N. Imrohi

....for the petitioners

Mr. S. G. Mukherjee, learned Public Prosecutor

Mr. Aniket Mitra

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the police complaint was lodged eight years after the marriage. The husband is in custody.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary and in particular to the statements recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.) of the son and daughter of the victim. The son of the victim in his statement implicates the father only. The daughter, however, in her statement implicates the petitioner no. no. 2 apart from her father.

In view of the materials in the case diary, we are unable to grant anticipatory bail to the petitioner no. 2 (Duli Bibi).

Accordingly, the application for anticipatory bail is, thus, rejected so far as petitioner no. 2 is concerned.

So far as the petitioner no. 1 is concerned, we grant anticipatory bail to the petitioner no. 1 (Mostak Sk. @ Mustak).

Accordingly, we direct that in the event of arrest the petitioner no. 1 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 further condition that the petitioner no. 1 shall meet the Investigating Officer once a fortnight till the conclusion of the investigation and on condition that the petitioner no. 1 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 no. 1 in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, partly allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

