

05.08.2022
Sl.14
Court No.29
(AD)
(Allowed)

C.R.M. (A) 3750 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Sagarpara** Police Station Case No. **135** of **2022** dated **03.07.2022** under Sections **498A/376/34** of the Indian Penal Code.

And

In the matter of: **Sadek Sk. @ Sadek Sekh**

....petitioner.

Ms. Minoti Gomes

...for the petitioner.

Ms. Kum Kum Mitra

...for the State.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. The de facto complainant left the matrimonial home in the year 2019. She filed a proceeding, *inter alia*, under Section 498A of the Indian Penal Code. She filed proceedings for maintenance where she is receiving the maintenance. Thereafter, the de facto complainant demanded partition of the immovable property. On not receiving a portion of the property which is to her liking, the present police complaint was lodged to falsely implicate the petitioner.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement of the de facto complainant recorded under Section 164 of the Code of Criminal Procedure.

There is a previous police complaint filed by the de facto complainant. There are maintenance proceedings also.

The de facto complainant apparently left the matrimonial home in 2019. The issue of false implication cannot be overlooked at this stage.

In such circumstances, 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) 3750 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)