

18.01.2022

Court No.32
rpan/ 10

C.R.M. 8259 of 2021

[Via video Conferencing]

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In re: **Fajle Karim**

- Petitioner.

Mr. Amitabha Karmakar,
Mr. Arup Kumar Bhowmick
... for the Petitioner.

Mr. Santanu Chatterjee
... for the State.

Apprehending arrest in connection with English Bazar Women Police Station Case No.141 of 2021 dated 28.07.2021 under Sections 498(A)/34 of the Indian Penal Code, Sections 3/4 of the Dowry Prohibition Act and Section 4 of the MWPRM Act, the petitioner has filed the present application.

Mr. Karmakar, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in an incident which occurred about three years after the marriage. The allegations are omnibus in nature. The victim lady left her matrimonial house and the petitioner has also filed a suit for restitution of conjugal rights, which is still pending. The other co-accused persons have already been granted anticipatory bail by the learned sessions court. In the said conspectus, custodial interrogation of the petitioner is not necessary.

Mr. Chatterjee, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses and other materials in the case diary.

Having heard the learned advocates and considering the materials in the case diary, the nature of accusations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not warranted. As such, the prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Fajle Karim** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, 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 with a further condition that he shall meet with investigating officer of the case once a fortnight till the investigation is complete.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

The application for anticipatory bail, being CRM No. 8259 of 2021, is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Ajoy Kumar Mukherjee, J.) (Tapabrata Chakraborty, J.)