

04.02.2022
Item no. 05
Court No.32
Avijit Mitra

C.R.M. 8642 of 2021

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

And

In Re : Kausar Sekh

.... petitioner

Mr. Habibur Rahaman

....for the petitioner

Mr. Goutam Wilson

..... for the State

Apprehending arrest in connection with Kaliganj Police Station Case No.527 of 2021 dated 05.10.2021 under Sections 498A/307/34 of the Indian Penal Code the present application has been preferred.

The learned advocate appearing for the petitioner submits that the petitioner married the victim lady 7 years earlier. He has been falsely implicated and unfounded allegations have been levelled against him. The victim voluntarily left her matrimonial house and the petitioner, thereafter, filed an application under Section 97 of the Code. By an order passed by the learned Magistrate on 15th September, 2021, the said proceedings were dropped observing that principal elements of wrongful confinement could not be established. Subsequent thereto, the victim lodged the complaint on 5th October, 2021. Upon completion of investigation chargesheet has also been submitted and as such, custodial interrogation is not necessary.

Mr. Wilson, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the witnesses and the medical documents.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, from the medical reports it appears that the injury was minor bruise over anterior portion of neck/throat and the victim stated that she was referred to the hospital for medical examination but she refused. Considering the nature of injury, the nature of accusations, the possible extent of complicity of the petitioner in the alleged offence, we are of the opinion custodial interrogation is not necessary more so when upon completion of investigation chargesheet has been submitted.

Accordingly, we direct that in the event of arrest, the petitioner namely, **Kausar Sekh**, 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.

The petitioner shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable

cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for anticipatory bail being C.R.M. 8642 of 2021 is disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)