

(Through Video Conference)

CRM 8890 of 2021

In re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 20.12.2021 in connection with Kaliachak Police Station Case No. 831 of 2021 dated 11.08.2021 under Sections 376/323/34 of the Indian Penal Code.

-And-

In the matter of : **Obedulla Sk @ Obaidullah**

... ...Petitioner

Mr. Sagar Saha, Advocate

... ... For the Petitioner

Mr. Abhra Mukherjee, Advocate

Mr. Dipankar Mahata, Advocate

... ... For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. The de facto complainant wanted restoration of the conjugal rights and on refusal by the petitioner, the police complaint was lodged. He submits that the brother of the petitioner was arrested and granted bail by the jurisdictional Court.

Learned Advocate appearing for the State draws the attention of the Court to the contents in the case diary.

Considering the gravity of the offence and the complicity of the petitioner therein and considering the fact that the brother of the petitioner was granted bail by the jurisdictional Court and considering the relationship between the petitioner and the de facto complainant and the nature of the offences as alleged against the petitioner, we are inclined to 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 with a further condition that the petitioner shall meet the Investigating Officer once in a month till the conclusion of the investigation and on further condition that the petitioner shall appear before the Court below and pray for regular bail within four weeks from date.

In the event, the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the anticipatory bail of the petitioner in accordance with law without further reference to this Court.

The prayer for anticipatory bail is allowed.

CRM 8890 of 2021 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)