

14.11.2022
Serial no.15
Aloke

CRM (A) 5012 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Purulia (M) Police Station Case No. 128 of 2022 dated 22.06.2022 under Sections 498(A)/494/307/34 of the Indian Penal Code.

-And-

In the matter of : **Nirmal Kumar Mahato**

... .. Petitioner

Mr. Aritra Bhattacharya, Advocate

Mr. Raja Sharma, Advocate

... .. For the Petitioners

Mr. Anowar Hossain, Advocate

Mr. Asif Dewan, Advocate

... ..For the State

Petitioner seeks anticipatory bail.

The application for anticipatory bail is taken up for consideration subsequent to the order dated November 9, 2022.

The Court is informed that the account standing in the name of the de facto complainant was activated and is live presently.

The petitioner offered to pay a maintenance of Rs.15,000/- (Rupees fifteen thousand) per month commencing on and from the month of November, 2022 till such time the quantum and the period is fixed by an appropriate forum. On the previous date such offer was placed on record.

Learned Advocate appearing for the petitioner submits that the petitioner is ready and willing to honour such offer.

In such circumstances, petitioner will pay a sum of Rs.15,000/-(Rupees fifteen thousand) per month commencing from the month of November, 2022 till such time the quantum and the period of maintenance is fixed by an appropriate forum and wholly without prejudice to the rights and contentions of the parties.

The maintenance for the month of November 20, 2022 will be paid on or before December 5, 2022 and the subsequent maintenance will be paid within 5th of each succeeding month.

The maintenance will be deposited in the bank account standing in the name of the de facto complainant, the details of which is known to the petitioner.

Considering the gravity of the offence and the materials in the case diary and the fact that the petitioner made the offer as noted above, 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 also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner shall meet the Investigating Officer once in a fortnight till the conclusion of the investigation and on further 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.

Prayer for anticipatory bail of the petitioner is allowed.

CRM (A) 5012 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)