

16.11.2022

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Ct. No. 29

**KAUSHIK**

Partly

Allowed

**C.R.M.(A) 5222 of 2022**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Raiganj Woman** Police Station Case No. **122** of **2022** dated **22.07.2022** under Sections 498A/307/34 of the Indian Penal Code, 1860.

And

In Re : Sayema Khatun & Anr.

..... petitioners

Mr. Kaushik Chowdhury

Ms. Busra Khatun

....for the petitioners

Mr. Pravas Bhattacharya

Mr. Pratick Bose

....for the State

The police are investigating, inter alia, under Section 498A of the Indian Penal Code, 1860.

The second petitioner is the husband.

The police complaint was lodged within two and half years of marriage. There are materials in the case diary implicating the second petitioner.

In such circumstances, we are unable to grant anticipatory bail to the petitioner no. 2 (Sairul Sk).

Accordingly, the application for anticipatory bail is, thus, rejected so far as petitioner no. 2 is concerned.

So far as the first petitioner is concerned, the allegations against her are omnibus in nature. Consequently, we grant anticipatory bail to the petitioner no. 1 (Sayema Khatun).

Accordingly, we direct that in the event of arrest the petitioner no. 1 shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 further condition that the petitioner no. 1 shall cooperate with the Investigating Officer till the conclusion of the investigation and on condition that the petitioner no. 1 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 no. 1 in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, partly allowed.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**

