

**06.12.2022**  
**Serial no. 42**  
[Dd]  
(Anticipatory bail)  
(Rejected)

**CRM (A) 5687 of 2022**

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Mothabari** Police Station Case No. **446** of **2022** dated **17.11.2022** under Sections **328/34** of the Indian Penal Code.  
**-And-**

In the matter of : **Md. Wahedul Islam & Ors.**  
... ..**Petitioners**

Mr. Mritunjoy Chatterjee,  
Mr. R. R. Shaw,  
Mr. Debapriya Majumder,  
Md. S. Biswas  
Mr. Deeptangshu Kar, Advocates  
... .. For the Petitioners

Mr. Tanmoy Kr. Ghosh, Id. SGA  
Ms. Sonali Bhar, Advocates  
... ...For the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that the victim initiated a proceeding, *inter alia*, under Section 498A of the Indian Penal Code, 1860 first in point of time. The husband of the victim filed proceeding for declaration that the marriage is a nullity. Thereafter, the present police complaint was lodged, falsely implicating the petitioners. He submits that since the victim was staying away from the matrimonial home, there was no reason for the victim to visit the matrimonial home where the incident is alleged to occur.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case dairy including the injury report of the victim.

Apparently, the victim claims that she was made to consume acid by her husband and the in-laws.

The victim implicates the petitioners in the incident.

The incident is claimed to occur at the matrimonial home.

The proceedings for nullity of marriage is yet to attain its finality. The victim as a married lady is entitled to visit her matrimonial home.

There are materials in the case diary implicating the petitioners.

In such circumstances, we are unable to grant anticipatory bail to the petitioners.

Prayer for anticipatory bail of the petitioners is **rejected**.

**CRM (A) 5687 of 2022 is dismissed.**

**(Debangsu Basak, J.)**

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