

08.08.2023

SL. 1
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 1490 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nabagram** Police Station Case No. **82** of **2023** dated **12.03.2023** under Sections **498A/325/307/34** IPC read with Sections **3/4** of the Dowry Prohibitions Act (corresponding to G.R. Case No. 770 of 2023 pending before the learned Additional Chief Judicial Magistrate, Lalbagh, Murshidabad).

And

In the matter of: **Mijan Molla @ Mijan Mollah**

....petitioner.

Mr. Mritunjoy Chatterjee
Mr. Tusar Kanti Hazra

...for the petitioner.

Mr. Debabrata Chatterjee, Ld. APP
Mr. Santanu Chatterjee

... for the State.

Mr. S. Bhattacharyya
Mr. Aashutosh Bhattacharyya

... for the defacto complainant.

1. Heard learned Counsel for the parties.
2. The petitioner is the husband of the informant/wife.
3. Considered the materials placed by the learned Counsel for the parties including the statement of the victim, FIR, statement of the witnesses and the injury report.
4. The nature of injury sustained by the victim does not attract Section 307 IPC at least *prima facie*.
5. Charge-sheet is stated to have been filed in the meantime.
6. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, the fact that there is always hope of compromise in matrimonial disputes and such compromise is always in the interest of the family and society and completion of investigation, it is directed that the petitioner shall surrender

before the learned Additional Chief Judicial Magistrate, Lalbagh, Murshidabad in G.R. Case No. 770 of 2023 arising out of the aforesaid P.S. case within 15 days from today. On his appearance and application for bail he shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.

7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being **CRM (A) 1490 of 2023** is disposed of.
9. Learned Additional Chief Judicial Magistrate, Lalbagh, Murshidabad is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

