

17.04.2023

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Ct. No. 29

CHC

Allowed

C.R.M.(A) 1598 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Malda** Police Station Case No. **553** of **2022** dated **02.12.2022** under Sections **417, 376, 323, 506 and 34** of the Indian Penal Code, 1860.

And

In the matter of : Senapati Mandal

..... petitioner

Mr. Siddhartha Sarkar

....for the petitioner

Mr. Joydeep Roy,

Mr. Amanul Islam

....for the State

De facto in her statement recorded under Section 164 of the Criminal Procedure Code acknowledges that there was marriage between her and the petitioner.

Apparently, her statement narrates about marital dispute, which was subsequently resolved.

The police complaint is not under Section 498A of the Indian Penal Code, 1860 as against the petitioner.

In such circumstances, we 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 further condition that the petitioner shall meet the Investigating Officer as and when called for till the conclusion of investigation and on 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)