

08.05.2023

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Ct. No. 29
CHC
Allowed

C.R.M.(A) 1643 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with G. R. Case No.1125 of 2023 arising out of **Kaliachak** Police Station Case No. **208** of **2023** dated **25.02.2023** under Sections **498A/ 376/ 109/ 406/ 308/ 506/ 34** of the Indian Penal Code read with Section **4** of Muslim Women (Protection of Right on Marriage) Act.

And

In the matter of : Dilbar Hossain & ors.

..... petitioners

Mr. Mrityunjoy Chatterjee
....for the petitioners

Mr. Avishek Sinha
....for the State

Mr. Debapriya Majumder
....for the de facto complainant

The de facto complainant recorded her statement under Section 164 of the Criminal Procedure Code subsequent to the order dated May 1, 2023.

Petitioners, State and the de facto complainant are represented.

It transpires from the last of the statement recorded under Section 164 of the Criminal Procedure Code of the de facto complainant that, she does not wish to proceed with the criminal case. According to her, the police case was filed on a misunderstanding.

Considering such stand of the de facto complainant we deem it appropriate to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners will be released on bail upon furnishing a bond of Rs.10,000/- each, 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 petitioner no.1, namely, Dilbar Hossain and petitioner no.2, namely, Nur Islam @ Henjel will report before the Investigating Officer once in a month till the conclusion of investigation and petitioner no.3, namely, Sabina Bibi, petitioner no.4, namely, Sujena Bibi and petitioner no.5, namely, Asmira Bewa will cooperate with the Investigating Officer till the conclusion of the investigation and on further condition that the petitioners 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 petitioners 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.)