

02.05.2023

22

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1855 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nalhati** Police Station Case No. **428** of **2022** dated **09.11.2022** under Sections 448/380 of the Indian Penal Code, 1860.

And

In Re : Sabnam Khatun alias Chumki Bibi

..... petitioner

Mr. Debabrata Roy

Mr. Bibekananda Tripathy

....for the petitioner

Mr. Sudip Kumar

....for the State

Petitioner is the wife of the de-facto complainant.

Petitioner was driven out of her matrimonial home.

On a query of the Court, it is submitted on behalf of the petitioner that, she is not receiving any maintenance from the de-facto complainant.

The de-facto complainant filed a complaint of stealing of his 'scooty' by the petitioner.

There is an issue of false implication.

Considering the relationship between the two parties and the nature of allegations, 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/-, 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 cooperate with the Investigating Officer till the conclusion of the 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.)