

29.05.2023
Vacation Bench
SL No.63
s.biswas/sayandeep

C.R.M. (A) 2148 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Manikchak** P.S. Case No. **58 of 2013** dated **12.03.2013** under Sections **498A/326/307/34** of the IPC.

And

In the matter of: **Santosh Mandal**

....Petitioner

Mr. Arup Kumar Bhowmick

...for the Petitioner

Mr. Anwar Hossain

Mr. Nirupam Dhali

...for the State

The present case is of the year 2013. However, the learned advocate for the petitioner submits that the husband and wife are residing together and leading a family.

It has been pointed out on behalf of the State that proclamation and attachment has been issued against the present petitioner.

Having considered the peculiar nature of the case, we direct that the Inspector-in-Charge/Officer-in-Charge, Manikchak Police Station would entrust a lady police officer who would conduct an enquiry as to whether the petitioner and the de-facto complainant are residing together. Statement to that effect of the de-facto complainant, namely, Rebati Mandal would be recorded and with the report should be submitted before the CJM, Malda. If the CJM, Malda is satisfied with the report so submitted and if required, would personally enquire from the de-facto complainant regarding the truth attached to such version. The said process would be completed within a period of 15 days from date. In the meantime, no coercive steps should be taken

so far as the petitioner is concerned. If the petitioner thereafter surrenders before the learned CJM, Malda, he would release the petitioner on bail on such terms and conditions as he deems fit and proper. In case the submissions are found to be adverse, the learned CJM, Malda would pursue the proclamation and attachment issued earlier and take such steps as is required under the law.

With the aforesaid observation, CRM (A) 2148 of 2023 is disposed of.

The status report so submitted before the Court is taken on record.

(Rai Chattopadhyay, J.)

(Tirthankar Ghosh, J.)