

29.05.2023

Sl. 76
Court No.4
Sws, M/
suvayan

CRM (A) 2162 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chanchal** P.S. Case No. **1337 of 2022** dated **10/11/2022** under Sections **498A/323/307/34** of the Indian Penal Code read with Sections **3 & 4** of the D.P. Act.

And

In the matter of: Ishak Ali

....petitioner.

Mr. Soupal Chatterjee
Ms. Sucheta Banerjee

... for the petitioner.

Mr. Bidyut Kumar Roy
Mr. N. Dhali

...for the State.

Report submitted on behalf of the State be kept with the record.

Learned Advocate appearing for the petitioner submits that other accused persons have been granted bail and the present petitioner being the husband has been implicated for the purpose of trying to strangle the victim with the nylon rope. It has also been submitted that the investigation of case has already been concluded, as such detention of the petitioner may not be warranted.

Mr. Roy, learned Advocate for the State produced the case diary and draws the attention of the Court to the seizure list which reflected certain burnt wearing apparel being seized. A report has been submitted before this Court by the Investigating Officer which reflects that immediately on submission of charge-sheet at the first instance warrant proclamation and attachment were issued at the first instance. There may be issues relating to

legality relating to warrant, proclamation and attachment being issued simultaneously but the same cannot be subject matter of consideration before this Court.

In view of the same, we allow the petitioner to withdraw the application for anticipatory bail at this stage with liberty to file afresh provided the proclamation order is interfered with by an appropriate Court of law.

Accordingly, application for anticipatory bail, being CRM (A) 2162 of 2023, is dismissed as withdrawn.

All the parties to act on the basis of server copy downloaded from the official website of the Hon'ble Court.

Urgent xerox certified copy of this order, if applied for, be handed over to the parties, upon compliance of necessary formalities.

(Tirthankar Ghosh, J.)

(Rai Chattopadhyay, J.)