

24.08.2023

SL. 19

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 3197 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Harishchandrapur** Police Station Case No. **316** of **2023** dated **13.04.2023** under Sections **498A/323/308/376/511/34** IPC read with Sections **3/4** of the D.P. Act.

And

In the matter of: **Najimul Hoque**

....petitioners.

Ms. Jenifar Alam Megha

...for the petitioners.

Mr. Debabrata Chatterjee, Ld. APP

Mr. Santanu Chatterjee

Mr. Bibaswan Bhattacharya

...for the State.

1. Heard learned Counsel for the parties.
2. The petitioner is the brother-in-law of the informant. Medical examination has been refused by the victim as submitted by the learned Counsel for the State. So far as allegation under Sections 376/511 IPC is concerned, those are at the fringe as it is alleged that the petitioner used to touch different parts of the informant's body on different pretext. But there is no allegation of inappropriate touch.
3. Regard being had to the facts and submission, factum of permanent residence of the petitioner, nature of allegation, the fact that there is always hope of compromise in matrimonial disputes and such compromise is always in the interest of the family and society and substantial progress in investigation, it is directed that the petitioner shall be released on bail in the event of his arrest by the Arresting Officer in the aforesaid P.S. case on such terms and

conditions as deemed just and proper in the facts and circumstances of the case including the conditions that:

- i) the petitioner is directed to appear before the I.O. once in a fortnight on the day and time fixed by the I.O. for the purpose of investigation till submission of F.F.
4. The petitioner is directed to appear before the I.O. within 21 days from today along with a server copy or certified copy of this order.
5. Accordingly, the prayer for the anticipatory bail is allowed.
6. The application being **CRM (A) 3197 of 2023** is disposed of.
7. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

