

08.09.2023

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[Allowed]

C. R. M. (A) 3751 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Tehatta Police Station Case No. 507 of 2023 dated 26.06.2023 under Sections 498A/325/307/406/34 of the Indian Penal Code.

In Re: ***Dipak Mondal & Ors.***

... .. Petitioners

Mr. Robiul Islam,
Sk. Jaynal Hossain,
Mr. Raju Mondal.

... .. for the petitioners

Mr. Imran Ali,
Ms. Debjani Sahu.

... .. for the State

1. Petitioners submit there is a matrimonial dispute between petitioner no.1 and the de-facto complainant-wife. Petitioner no.1 instituted a proceeding under Section 97 of the Code of Criminal Procedure to recover the minor child. In retaliation, the present case has been registered.
2. Learned Advocate for the State opposes the prayer for anticipatory bail.
3. We have considered the materials on record. Petitioner no.1 instituted a proceeding under Section 97 of the Code of Criminal Procedure to recover minor child. Thereafter, instant case was registered. Possibility of false implication cannot be ruled out. Allegation of assault is not supported by medical papers.
4. Under such circumstances, we are inclined to grant anticipatory bail to the petitioners.

5. Accordingly, we direct that in the event of arrest, the petitioners 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and they shall appear before the court below and pray for regular bail within four weeks from date.

6. The application for anticipatory bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)