

30.11.2023

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Allowed

C.R.M. (A) No. 4860 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kharagpur Police Station Case No. 541 of 2023 dated 01.07.2023 under Sections 498A/323/376/506/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

And

In Re : Sk. Sakir Ali petitioner

Mr. Amitabha Karmakar

Mr. Arup Kumar Bhowmick

.....for the petitioner

Mr. Pravas Bhattacharya

Mr. Mirza Firoj Ahmed Begg

....for the State

1. Learned Counsel for the petitioner submits he is the husband of the victim lady. It is alleged that the allegation of rape is levelled against her brother-in-law who is on regular bail. Petitioner prays for anticipatory bail.

2. Learned Counsel for the State opposes the prayer for anticipatory bail.

3. We have considered the materials on record. Allegation of rape is not levelled against the petitioner. Keeping in mind the nature of allegations against the petitioner which are general and omnibus we are inclined to grant bail to him.

4. 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 condition that he shall appear before the court below and pray for regular bail within a period of four weeks from date and on further condition that petitioner shall meet the investigating officer once in a week until further orders.

5. This application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)