

28.02.2023

Sl. No.35
akd
[ALLOWED]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (A) 142 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 08.02.2023 in connection with Cooch Behar Sadar Women Police Station Case No. 04 of 2023 dated 06.01.2023 under Sections 498A/323/506 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act. (G.R. Case No.40 of 2023)

And

In Re: ***Mostafizer Rahaman***

... .. Petitioner

Mr. Hillol Saha Podder
Ms. Mousumi Das

... .. for the petitioner

Mr. Ujjwal Luksom
Ms. Namrata Das

... .. for the State

It is submitted on behalf of the petitioner that there was a matrimonial dispute. He has been falsely implicated.

Learned Advocate for the State opposes the prayer for anticipatory bail and submits petitioner has not cooperated with the investigation.

We have considered the materials on record. Allegations of torture are general and omnibus. Under such circumstances, we are of the opinion custodial interrogation of the accused/petitioner may not be necessary and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely ***Mostafizer Rahaman***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 on further condition that the petitioner shall meet the Investigating Officer once in a week until further orders and shall appear before the court below and pray for regular bail within four weeks from date.

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

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)