

14.6.2023

Sl. No.52
ar
[ALLOWED]
partly

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

CRM (A) 391 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Sitalkuchi Police Station Case No. 65 of 2023 dated 11.03.2023 under Sections 498A/307 of the Indian Penal Code.

And

In Re: ***Mostakin Mia & Anr.***

... .. Petitioners

Mr. Hillol Saha Podder

... .. for the petitioners

Mr. Jaydeep Kanta Bhowmik

... .. for the De-facto Complainant

Mr. Kallol Acharjee

Mr. Dhiman Sil

... .. for the State

Heard the learned advocates appearing for both the parties.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and they have been falsely implicated.

Learned counsel appearing for the State and the de-facto complainant in opposing the prayer for bail have referred to the statement of the victim recorded under Section 161 of the Code of Criminal Procedure implicating the petitioners.

Having considered the materials available in the case diary, the statement of the victim recorded under Section 161 of the Code of Criminal Procedure and the nature of involvement of the petitioners in the commission of alleged offence, we are of the view that the petitioner

no. 2, who happens to be the father of the de-facto complainant shall be entitled to anticipatory bail and custodial interrogation of the accused/petitioner no. **2** may not be necessary and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner no. **2**, **Hossain Ali Mia @ Hassen Ali Miya** be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, 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 no. **2** shall meet the Investigating Officer once in a week and shall co-operate with the investigation and on further condition that the petitioner no. **2** shall not leave the jurisdiction without the permission of the jurisdictional court and shall surrender before the court below within four weeks from date and pray for regular bail.

The prayer for anticipator bail of the petitioner no. **1**, **Mostakin Mia** stands rejected at this stage.

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

All parties shall act on the server copies of this order duly downloaded from the official *website* of this court.

(Raja Basu Chowdhury, J.)

(Soumen Sen J.)

