

05.07.2023
Item no.18.
Court No.01.
S.De
(Allowed)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM (A) No. 472 of 2023

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Dhupguri Police Station Case No.243 of 2023 Dated 17.05.2023 under Sections 498A/325/354/354D/509 of the Indian Penal Code and read with Section 3/4 of the Dowry Prohibition Act.

And

In the matter of: Amirul Islam.

.....Petitioner.

Mr. Pronajit Roy, for the Petitioner.

Mr. Kallol Acharjee,
Mr. Dhiman Sil, for the State.

Heard learned counsel for the petitioner and learned advocate for the State at length.

It is contended that considering the fact that the allegation as made out in the FIR is too much exaggerated, the instant application for anticipatory bail may be considered favourably.

Learned advocate for the State opposes the prayer for anticipatory bail.

We have perused the entire material in the case diary including the statement of the victim as recorded under Section 164 of the Code of Criminal Procedure. It appears to us that the

allegation as made out against the present accused petitioner/husband is omnibus in nature.

Keeping in mind such fact and also keeping in mind that in a matrimonial dispute chance of exaggeration cannot be ruled out, we are inclined to exercise our discretion in favour of the present accused petitioner.

Accordingly, in the event of arrest, the petitioner, namely, **Amirul Islam** shall be released on bail upon furnishing a bond of Rs.10,000/- with two registered sureties of like amount each, to the satisfaction of the Arresting Officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders and on further condition that within twenty one days from the date of obtaining a certified copy or a server copy of this order, whichever is earlier, the petitioner shall appear before the learned Trial Court, failing which it would be treated that this Court has passed no order of anticipatory bail and on further condition that the petitioner shall report to the Investigating Officer of the concerned police station once in a week and/or as and when called for till submission of Final Form.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M.(A) No. 472 of 2023 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)