

04.10.2023
Court No.1
SL No.32
pk/AP

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

CRM(A) 764 of 2023

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

And

In the matter of: **Mustakin Mia**

....Petitioner.

Mr. Subhasish Misra
Mr. Swarup Das
Mr. Satyajit Paul

...for the petitioner.

Mr. Ujjwal Luksom
Ms. Namrata Das

...for the State.

1. The application for anticipatory bail is made on the ground that injury is simple and all other accused persons have been granted anticipatory bail. It is also submitted that the victim/wife has voluntarily left the matrimonial house and has gone to reside with her parents.

2. Counsel for the State, however, opposes the prayer for anticipatory bail on the ground that the petitioner has been absconding.

3. Having considered the materials on record in the case diary and in view of the aforesaid facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

4. 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, one of whom must be local, 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 further conditions that the petitioner shall meet the investigating officer as and when required until further orders and on further condition that the petitioner shall cooperate with the investigation and shall not in any way near the parental house of the de facto complainant or visit or try to contact the de facto complainant and on further condition that the petitioner shall appear before the court below and pray for regular bail within a fortnight from date.

5. In the event the petitioner fails to comply with the aforesaid conditions as enshrined hereinabove, the bail of the petitioner shall automatically stand cancelled without any further reference to this Court.

6. The application for anticipatory bail is, thus, allowed.

(Rajasekhar Mantha, J.)

(Supratim Bhattacharya, J.)