

11.03.2024

Serial no. 25

Anticipatory bail

[Allowed]

Dd

CRM (A) 861 of 2024

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Tehatta** Police Station Case No. **952** of **2023** dated **02.12.2023** under Sections **498A/406/506/34** of the Indian Penal Code, 1860 and Section **4** of the Dowry Prohibition Act.*

-And-

*In the matter of : **Md. Kefatulla Mondal @ Kefatulla Mondal**
... .. **Petitioner***

*Mr. Kallol Mondal,
Mr. Amanul Islam,
Mr. Sourav Mukherjee, Advocates
... .. For the Petitioner*

*Ms. Debjani Sahu, Advocate
... ..For the State*

*Mr. Asraf Mondal,
Mr. M. K. Das, Advocates
... ..For the de facto complainant*

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that petitioner was in fact assaulted. He refers to the photograph of the injured suffered by the petitioner as well as the injury report at page 13.

State and the de facto complainant are represented.

Learned advocate appearing for the State draws the attention of the Court to the statement of the son of the victim recorded under Section 161 of the Criminal Procedure Code. She submits that the police filed charge sheet.

Learned advocate appearing for the de facto complainant opposes the prayer for grant of anticipatory bail. He submits that at least, the petitioner should pay for the maintenance.

De facto complainant is at liberty to initiate appropriate proceeding for maintenance, if so advised.

Police filed charge sheet. Therefore requirement of placing the petitioner in custody at this stage is not there. That apart, there was an incident of assault where the petitioner also suffered an injury.

Considering such aspects of the matter, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall 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 be 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 appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 861 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)