

03.04.2024
Item No.84
AD/SD
Court No.28
(Allowed)

C.R.M. (A) No. 1109 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Manikchak** Police Station Case No. **542 of 2023** dated **16.07.2023** under Sections **498A/307/34** of the Indian Penal Code, 1860. Charge sheet submitted vide No.544/23 dated 30.08.2023 under Sections **498A/307/34** of the Indian Penal Code pending before the Court of learned Chief Judicial Magistrate, Malda. (G.R. Case No.4617 of 2023)

And

In Re : Sk. Rajiul @ Sekh Rajiul

..... petitioner

Mr. Sujoy Sarkar
Mr. Musharraf Alam Sk.
Mr. Rahul Chachan

.....for the petitioner

Mr. Saibal Bapuli, Ld. APP
Ms. Iswaria Pathak Banerjee

....for the State

1. Heard the learned lawyers for the parties.
2. We have considered the materials on record. Incident occurred fifteen years after marriage.
3. Allegations of torture are *general* and *omnibus*.
4. Injuries are simple.
5. Whether the ingredients of the offence under Section 307 are proved requires to be assessed in light of the aforesaid circumstances during trial.
6. Investigation is complete.
7. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.

8. Accordingly, we direct that 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, 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 condition that he shall appear before the jurisdictional Court and pray for regular bail within a period of four weeks from date.
9. The prayer for anticipatory bail of the petitioner is allowed.
10. **C.R.M. (A) No. 1109 of 2024** is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)