

18.04.2024
Item No.54
Ct. No. 29
CHC
Allowed

C.R.M.(A) 1253 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Dadpur** Police Station Case No. **182** of **2023** dated **24.07.2023** under Sections **498A/406/325/313/354/34** of the Indian Penal Code pending before the Learned Chief Judicial Magistrate, Hooghly, at Chinsurah.

And

In the matter of : Hasibul Mallick

..... petitioner

Mr. Sanat Kumar Das,
Mr. Sujan Chatterjee,
Ms. Souparna Sinha,
Mr. Rohan Bavishi

....for the petitioner

Ms. Sayanti Santra,
Mr. Aneswa Chakraborty

....for the State

Petitioner prays for anticipatory bail.

Petitioner before us is the husband.

Police filed charge-sheet.

Learned advocate appearing for the petitioner submits that, the petitioner instituted a proceeding for restitution of conjugal rights. Thereafter, proceeding initiated under Section 125 of the Code of Criminal Procedure and then the present police complaint were lodged by the de facto complainant.

Learned advocate appearing for the petitioner submits that, petitioner is complying with the order passed under Section 125 of the Code of Criminal Procedure.

Learned advocate appearing for the State draws the attention of the Court to the materials in the Case Diary.

Materials in the Case Diary suggest that the de facto complainant underwent abortion at her parental home.

The police complaint was lodged subsequent to the application for restitution of conjugal rights.

In such circumstances, 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 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.

This application for anticipatory bail is, thus, allowed.

CRM(A) 1253 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

