

19.04.2024
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Ct. No. 29
S.D.
Allowed

C.R.M.(A) 1363 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Haringhata** Police Station Case No. **167** of **2024** dated **29.3.2024** under Sections **498(A)/307/34** of the Indian Penal Code pending before the Court of learned Additional Chief Judicial Magistrate, Kalyani, Nadia.

And

In Re : **Omar Faruk & Ors.**

..... petitioners

Mr. Debjyoti Deb
Mr. Pabitra Biswas

...for the petitioners

Mr. Arijit Ganguly
Ms. Puja Goswami

...for the State

Mr. Shibaji Kumar Das

..for the defacto complainant

This is third time police complaint *inter alia* under Section 498A of the Indian Penal Code, 1860 was lodged against the husband and his family members. In the earlier two proceedings, the accused were acquitted. However, there were compromises in the earlier two proceedings.

In the present police complaint, apparently, the wife consumed poison at a relative's place. The husband apparently took the wife to the hospital for treatment.

The defacto complainant is represented.

Considering the materials in the case diary and considering the fact that this a third police complaint with earlier two resulting in acquittal, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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. The petitioner nos. 1, 2 and 4 will report before the Investigating Officer once a week till the conclusion of the investigation and the petitioner nos. 3, 5 and 6 will cooperate with the investigation till the conclusion of the investigation. The petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)