

29.04.2024
Item No.3
Ct. No. 29
CHC
Rejected

C.R.M.(A) 1470 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Domkal** Police Station Case No. **52** of **2024** dated **21.01.2024** under Sections **498A/313/506/34** of the Indian Penal Code, 1860 and Section **4** Dowry Prohibition Act, 1961.

And

In the matter of : Mafidul Islam @ Mofidul Islam & ors.
..... petitioners

Mr. Arnab Chatterjee,
Mr. Anisur Rahman
....for the petitioners

Mr. Anindya Sundar Chatterjee
....for the State

Mr. Jisan Iqubal Hossain
....for the de facto complainant

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, petitioner no.1 is the husband and other petitioners are in-laws of the de facto complainant.

Petitioner no.1 granted Talaq by a letter. Subsequent thereto, the present police complaint was lodged. He submits that, there subsists an order of interim maintenance passed by the appropriate Court.

State and the de facto complainant are represented.

Learned advocate for the de facto complainant refers to the materials in the Case Diary.

Learned advocate for the de facto complainant submits that, even the interim maintenance as directed is not being paid by the petitioner no.1.

There subsists an order directing payment of interim maintenance which was passed on February 15, 2024 requiring the petitioner no.1 to pay interim maintenance at the rate of Rs.2,500/- per month within 10th of each month to the de facto complainant. Such order apparently stands uncomplied with till date.

Materials in the Case Diary make out a case for investigation.

Coupled with such conduct of the petitioner no.1 so far as compliance of the order of the Court is concerned, confidence cannot be reposed upon the petitioner for compliance of order of Court.

In such circumstances, we are unable to grant anticipatory bail to the petitioners.

This application for anticipatory bail is, thus, rejected.

CRM(A) 1470 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)