

29.04.2024
DL-24
Court No.29
(AD)
(Allowed)

C.R.M. (A) 1499 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Berhampore** Police Station Case No.**1821 of 2023** dated **19.12.2023** under Sections **363/365/509/120B/376** of the Indian Penal Code, 1860, adding Sections **4/17** of Protection of Children from Sexual Offences Act pending before the Ld. Judge, Special Court under POCSO Act, Berhampore, Murshidabad. (C. Special Case No.128 of 2023)

And

In the matter of: **Firoj Sk.**

....petitioner

Mr. Jisan Iqubal Hossain

...for the petitioner.

Mr. Bitasok Banerjee

Mr. Atanu Ghosh

... for the State.

1. Petitioner relies upon a Certificate of Three Talak Divorce Registration as also an application for restitution of conjugal rights claiming that, marriage between the petitioner and the victim was suppressed.
2. Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.
3. Apparently, there was a marriage between the petitioner and the victim which was sought to be divorced under the provisions of the Bengal Muhammadan Marriages & Divorces Registration Act, 1876. There is also an application for restitution of conjugal rights, that too, after the divorce being registered.
4. Be that as it may, material suggests that, there was a marriage between the petitioner and the victim. Victim refused to undergo medical examination.

5. Police filed charge sheet.
6. In such circumstances, we grant anticipatory bail to the petitioner.
7. 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 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.
8. The prayer for anticipatory bail of the petitioner is allowed.
9. **C.R.M. (A) 1499 of 2024** is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)