

03.05.2024

Item No.6

Ct. No. 29

CHC

Allowed

C.R.M.(A) 1574 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kandi** Police Station Case No. **02/2024** dated **01.01.2024** under Sections **498A/323/307/34** of the Indian Penal Code read with Sections **3/ 4** of Dowry Prohibition Act, pending before the Court of the Learned Additional Chief Judicial Magistrate, Kandi, Murshidabad.

And

In the matter of : Kabirul Islam

..... petitioner

Mr. Navanil De,
Mr. Srinjan Ghosh,
Ms. Monami Mukherjee
....for the petitioner

Mr. Debasish Roy, Ld. P.P.
Mr. Arijit Ganguly,
Mr Koushik Kundu
....for the State

Petitioner prays for anticipatory bail.

Petitioner is the husband.

Learned advocate appearing for the petitioner submits that, police complaint was lodged nine (09) years after marriage.

Police filed charge-sheet.

Learned advocate for the State draws the attention of the Court to the materials in the Case Diary. He submits that, the de facto complainant suffered grievous hurt. He also refers to the statements recorded under Section 161 of the Criminal Procedure Code. Police complaint was registered pursuant to an order passed under Section 156(3) of the Criminal Procedure Code.

We perused the statement of the de facto complainant recorded under Section 164 of the Criminal Procedure Code where she stated that she was tortured both physically and mentally on family issues. Demand for dowry apparently is not made out.

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) 1574 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)