

10.06.2024
Court No.29
Item No. 25

Partly Allowed

sg

CRM (A) 1643 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Barjora Police Station Case No. 30 of 2024 dated 14.02.2024 under Sections 498A IPC and sections 3/4 of D.P. Act.

And

In Re: **Nabiruddin Mallick & Ors.**

Petitioner

Mr. Imtiaz Ahmed
Mrs. Ghazala Firdaus
Mr. Mofakkerul Islam
Mr. S.K. Saidullah
Mr. Mithun Mondal
Mr. Md. Arsalan
Md. Bani Israil

For the Petitioner

Mr. Apalak Basu
Mr. Arkadipta Sengupta
Mr. Prasanta Kumar Roy
Ms. Aayushi Mukherjee

For the defacto complainant

Md. Imran Ali
Mr. Nirupam Dhali

For the State

1. The learned Counsel for the petitioners has submitted that the petitioners are innocent and they have been falsely implicated in the instant case.
2. The learned Counsel for the de-facto complainant has referred to the statements made in the said complaint with regard the petitioner no.1 and the husband of the victim.

3. The learned Counsel for the State has submitted that the charge sheet has already been submitted and a warrant of arrest has been issued against the husband and the present petitioners as they are absconding.
4. We are surprised that no statement of the victim has been recorded under Section 164 of the Code of Criminal Procedure as there is a definite allegation in the compliant with regard to the involvement of the husband of the victim and the petitioner no.1 in outraging the modesty of the victim.
5. Considering the materials available in the case diary and the involvement of the petitioners in the commission of the alleged crime, we are not inclined to grant anticipatory bail to the petitioner no.1. However, the prayer for anticipatory bail of the petitioner nos. 2 to 5 is allowed.
6. Accordingly, we direct that in the event of arrest the petitioners, namely, **Kutubuddin Mallick @ Md. Kutubuddin Mallick, Asema Khatun, Samsad Sekh and Sabina Bibi @ Sabina Tarafdar**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. The petitioner nos. 2 to 5 shall appear before the learned ACJM, Bankura within two weeks from date and shall appear on each and every date of hearing as and when required.
7. Accordingly, the prayer for anticipatory bail of the petitioner no.1 is rejected and the prayer for anticipatory bail of the petitioner nos. 2 to 5 is allowed.
8. CRM (A) 1643 of 2024 is, thus, disposed of.
9. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)