

22.05.2024

DL-51
Court No.3
(AD)
(Allowed)

C.R.M. (A) 1796 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chanchal** Police Station Case No.**280 of 2024** dated **28.03.2024** under Sections **498A/323/313/34** of the Indian Penal Code read with Section **4** of the Dowry Prohibition Act, presently pending before the Learned Additional Chief Judicial Magistrate, Chanchal, Malda. (G.R. Case No.763 of 2024).

And

In the matter of: **Majibur Rahaman @ Majibar Rahaman & Ors.**
....petitioners.

Mr. Angshuman Chakraborty
Mr. Amanul Islam
Mr. Shashanka Sekhar Saha
Mr. Saptarshee Pakrashy

...for the petitioners.

Mr. Avishek Sinha
Ms. Suchismita Dutta

... for the State.

Md. Wasim Akram
Ms. Reshmi Khatun

... for the de facto complainant.

1. Petitioners, State and the de facto complainant are represented.
2. Learned Advocate appearing for the petitioners submits that, the de facto complainant was married to a different person. There is a First Information Report lodged by her against the earlier husband.
3. It is contended on behalf of the de facto complainant that, the first marriage stood dissolved.
4. We requested the learned Counsel for the de facto complainant to produce any document as to the so-called dissolution of the earlier marriage to which learned Counsel for the de facto complainant submits that, the earlier marriage was dissolved orally.

5. Benefit of doubt obviously must be extended to the accused.
6. Here the petitioners are being proceeded against on the basis of a marriage.
7. The marriage, thus, cannot be accepted in the eye of law at this stage.
8. In such circumstances, we grant anticipatory bail to the petitioners.
9. Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner no.1 will report before the Investigating Officer once a fortnight till the conclusion of the investigation and petitioner nos.2 and 3 will cooperate with the investigation till the conclusion of the investigation and on condition that 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.
10. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.

11. **C.R.M. (A) 1796 of 2024** is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)