

08.07.2024
SL No.02
Court No.29
TN
(Allowed)

CRM (A) 1940 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Mogra Police Station Case No.495 of 2023 dated 13.12.2023 under Sections 328/376/420/120B of the Indian Penal Code.

And

In the matter of: **Md. Sahjad.**

- petitioner.

Mr. Salauddin Ahmed,
Mr. Ali Ansar Alamgir,
Ms. Rabia Khatoon,
Ms. Soma Mal,
Mr. I. Modak

.... for the petitioner.

Ms. Tannistha Bandyopadhyay

.... for the victim.

Mr. Antarikya Basu,
Dattatreya Dutta

... for the State.

1. The learned Counsel for the petitioner submits that the petitioner is innocent and a suit has been filed for dissolution of marriage.
2. The learned counsel for the de facto complainant submits that the victim is the cousin and the entire ceremony of marriage has been captured.
3. The learned counsel for the State has placed the case diary.
4. Considering the materials available in the case diary, the statement of the victim and the fact that a suit for dissolution of marriage is pending before the learned trial court, we are of the view that custodial interrogation of the petitioner is not necessary.

5. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Md. Sahjad** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, 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. The petitioner shall meet the Investigating Officer of the case once in a week or as and when required till submission of the final report.
6. It is further directed that the present accused petitioner shall appear before the learned Chief Judicial Magistrate, Hooghly at Chinsurah within two weeks from date and pray for regular bail.
7. The parties may explore the possibility of resolving their matrimonial dispute through mediation in the pending proceeding.
8. A copy of this order shall be forwarded to the Secretary, Mediation Centre, High Court, Calcutta for information.
9. Accordingly, the application for anticipatory bail is disposed of.
10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)