

02.07.2024
SL No.50
Court No.29
TN
(Allowed)

CRM (A) 2060 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Kaliachak Police Station Case No.1511 of 2023 dated 23.11.2023 under Sections 498A/325/307/376/511/34 of the Indian Penal Code.

And

In the matter of : **Md. Haidar Ali @ Haidar Ali @ Haydar.**

- petitioner.

Mr. Kalidas Saha,
Ms. Mondira Mondal,
Ms. Khushi Mallick

....for the petitioner.

Mr. Prasun Dutta,
Ms. Sonali Bhar

... for the State.

1. This is the second application for anticipatory bail. The first application was dismissed as not pressed. The petitioner is the husband of the *de facto* complainant. It is submitted that the allegations are against Akash and not the petitioner insofar as Section 376 is concerned. The allegations of torture and cruelty are frivolous and concocted.
2. The learned Counsel for the State in opposing the prayer has referred to the statement of the neighbours recorded under Section 161 of the Code of Criminal Procedure and the injury report. It is, however, submitted that charge sheet has already been filed and warrant of arrest is pending against the petitioner.

3. Considering the materials available in the case diary and the nature and extent of complicity of the petitioner in the commission of the alleged offence and the injury report, we are of the view that custodial interrogation of the petitioner is not necessary.
4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Md. Haidar Ali @ Haidar Ali @ Haydar** 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.
5. It is directed that the petitioner shall appear each and every date of hearing 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 presence of the petitioner in court including cancelling the anticipatory bail granted without further reference to this court.
6. It is further directed that the present accused petitioner shall appear before the learned Chief Judicial Magistrate, Malda in connection with GR No. 8023 of 2023 within two weeks from date and pray for regular bail.
7. Accordingly, the application for anticipatory bail is disposed of.

8. 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.)