

08.07.2024

Court No.29

Item No. 36

Allowed

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CRM (A) 2218 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Debra Police Station Case No. 379 of 2024 dated 20.06.2024 corresponding to G.R Case No. 1696 of 2024 under Sections 498A/323/354/307/506/34 of the Indian Penal Code.

And

In Re: Apu Mahali

Petitioner

Mr. Siddhartha Sarkar

For the Petitioner

Mr. Imran Ali

Mr. Soumadip Saha

For the State

1. The petitioner is the husband of the de-facto complainant. It is submitted that due to matrimonial dispute a false complaint has been lodged against the petitioner. Earlier two attempts were made to resolve the dispute.
2. Learned counsel for the State has produced the case diary and submitted that the statement of the de-facto complainant under Section 161 Cr.P.C directly implicating the petitioner and the family members.
3. Considering the materials available in the case diary, the injury report and the nature and extent of the petitioner in the commission of the alleged offence, 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, **Apu Mahali** 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, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of

Criminal Procedure, 1973. The petitioner shall meet the Investigating Officer once in a week or as and when called for till the submission of the final report and on further condition that the petitioner shall appear before the learned Chief Judicial Magistrate, at Paschim Medinipur within two weeks from date in connection with G.R Case No. 1696 of 2024. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.

5. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
6. 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)