

22.07.2024
SL No.30
Court No.29
(gc)
(Partly Allowed)

CRM (A) 2435 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Nakashipara Police Station Case No.337 of 2024 dated 09.04.2024 under Sections 498A/323/376/34 of the Indian Penal Code.

And

In the matter of : **Abdul Chhattar @ Abdul Sattar & Anr.**

- Petitioners.

Mr. Asraf Mandal

....For the Petitioners.

Mr. Arnab Chatterjee,

Ms. Puja Boswami

... For the State.

1. The affidavit of service filed in Court today is kept with the record.
2. In spite of service, the victim is not represented.
3. Learned Counsel for the petitioners submits that the disputes and differences between the two families have been amicably resolved and no custodial interrogation of the petitioners is required.
4. The learned Counsel for the State has produced the case diary.
5. It appears that the victim is the mother of the daughter-in-law. The victim has made specific overt act against the petitioner no.2 in her statement recorded under Section 164 of the Cr.P.C.
6. Accordingly, we are not inclined to grant anticipatory bail to the petitioner no.2. and the prayer of the petitioner no.2 for anticipatory bail is rejected.

7. However, there has been no specific allegation against the petitioner no.1. Accordingly, we are of the view that the custodial interrogation of the petitioner no.1 is not necessary.
8. Accordingly, we direct that in the event of arrest, the petitioner no.1, namely, **Abdul Chhattar @ Abdul Sattar**, 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. It is further directed that the petitioner no.1 shall meet the Investigating Officer once in a fortnight till the submission of the final report and shall appear before the learned Chief Judicial Magistrate, Krishnagar, Nadia in connection with G.R. Case No.1959 of 2024 within two weeks from date.
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.)