

28.08.2024
Court No.29
Item No. 67

Allowed

cm

CRM (A) 2963 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Code of Criminal Procedure, 1973 in connection with Berhampore Police Station Case No. 999 of 2024 dated 06.07.2024 under Sections 85/109/3(5) of the Indian Penal Code, 1860 pending before the learned Chief Judicial Magistrate, Berhampore, Murshidabad.

And

In Re: **Md. Jabbar Saikh@ Jabbar Sk.**
Petitioner

Mr. Sabir Ahmed
Mr. Somnath Adhikary,
For the Petitioner

Mr. Bitashok Banerjee,
Ms. Ratna Ghosh,
For the State

1. The petitioner is the husband. It is submitted that due to matrimonial dispute, a false complaint has been lodged. It is further submitted that they are married for almost 13 years and the victim lady is mentally sick and undergone medical treatment for a long time.
2. The learned counsel for the State, in opposing the prayer for anticipatory bail, has referred to the FIR, the statement of the victim and the medical report.
3. Considering the materials available in the case diary and the nature and extent of complicity of the petitioner in the commission of alleged offence and having regard to the fact that there is variation in the statement of the victim in the FIR and the statement recorded under Section 161 of the Cr.P.C. and also having regard to the medical report, we are of the view that the custodial interrogation of the petitioner is not necessary.

4. Accordingly, we direct that in the event of arrest the petitioner namely, **Md. Jabbar Saikh@ Jabbar Sk.**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, to the satisfaction of the arresting officer, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973, corresponding to Section 482(2) of the BNSS, 2023. The petitioner shall meet the I.O. once in a week till the submission of final report and shall appear before the learned Trial Court within two weeks from date.
5. Accordingly, the application for anticipatory bail is disposed of.
6. 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.)