

13.09.2024

Court No.29

Item No. 07

Allowed

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CRM (A) 2972 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Harishchandrapur Police Station Case No. 197 of 2024 dated 17.03.2024 corresponding to G.R Case No. 644 of 2024 under Sections 498A/323/354/308/376/511/34 of the Indian Penal Code.

And

In Re: **Mamun Ali**

Petitioner

Mr. Minoti Gomes

Mr. Saptarshee Pakrashy For the Petitioner

Mr. Sanjoy Bardhan

Mr. Soumya Basu Roy Chowdhury For the State

Mr. Asfak Ahammed For the De-facto Complainant

1. Heard the learned counsel appearing for the parties.
2. The report filed by the S.I is taken on record.
3. Considering the fact that there appears to be a matrimonial dispute between the husband, in-laws and the de-facto complainant, considering the statement of the victim recorded under Section 164 Cr.P.C and also having regard to the fact that there have been a past disputes which have been amicably settled and moreover the charge-sheet has been filed, 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, **Mamun Ali** 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, corresponding to Section 482(2) of the BNSS, 2023 and the petitioner shall not enter the jurisdiction of Police Station Harishchandrapur, except for the purpose of meeting with the I.O, attending the Court and the mediation proceeding and shall provide his present address and all contract details with the I.O and on further condition that the petitioner shall appear before the **learned Additional Chief Judicial Magistrate, Chanchal, Malda**, corresponding to **G.R Case No. 644 of 2024** within one week from date and the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever. It is further ordered that the petitioner shall appear on every date before the aforesaid Court on and from the date fixed for appearance of the accused. 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. Learned counsel for the victim on instruction submits that she wants to reside with her husband. Having regard to the nature of controversy notwithstanding that a police complaint has been lodged, we feel that there has been a chance of settlement through mediation.
6. Learned counsel for the parties have agreed that the matrimonial dispute between the parties may be referred to mediation. On such consideration, we request the Secretary, DLSA Malda to appoint a mediator to resolve the matrimonial dispute between the parties.
7. Learned counsel for the parties shall communicate this order to the Secretary, DLSA Malda, for information and doing the needful.

8. All particulars of the parties shall be furnished to the Secretary, DLSA Malda, in order to enable them to sent appropriate notice.
9. We hope and trust that the matrimonial dispute shall be resolved through mediation.
10. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
11. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Prasenjit Biswas, J)