

03.01.2024

Item No.6

Ct. No. 29

CHC

Allowed

C.R.M.(A) 4247 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Shyampur** Police Station Case No. **418** of **2023** dated **01.09.2023** under Sections **498A/406/506/34** of the Indian Penal Code and under Sections **3/ 4** of the Dowry Prohibition Act.

And

In the matter of : Samir Sardar

..... petitioner

Mr. Sauradeep Dutta

....for the petitioner

Mr. Pravas Bhattacharya,

Mirza Firoj Ahmed Begg

....for the State

Petition is taken up for consideration subsequent to the order dated October 16, 2023 passed by the co-ordinate Bench.

By such order, the coordinate Bench granted interim anticipatory bail to the petitioner.

It is submitted at the bar that, such order was passed without consulting the materials in the Case Diary and in view of the ensuing Puja Vacation.

Learned advocate appearing for the petitioner submits that, a previous proceeding for dissolution of marriage was initiated by the petitioner. As a counter blast the present police complaint was lodged in respect of an incident which was more than 18 months old.

State is represented.

We perused the materials in the Case Diary.

Apparently, there is previous proceeding for dissolution of marriage. There is also a delay in lodgement of the police complaint. Issue of the criminal complaint being a counter blast to the divorce proceeding cannot be overlooked at this stage.

In such circumstances, we confirm the interim order dated October 16, 2023 passed by co-ordinate Bench.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall report before the Investigating Officer as and when called for by the Investigating Officer and on condition that the petitioner shall appear on every date 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 the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

CRM(A) 4247 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)