

02.01.2024

Serial no. 52

Anticipatory bail

[Allowed]

Dd

CRM (A) 4270 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Kaliachak** Police Station Case No. **1078** of **2023** dated **10.08.2023** under Sections **498A/323/307/494/34** of the Indian Penal Code, 1860.*

(G.R. Case No. 5436/2023)

-And-

*In the matter of : **Md. Habibur Rahaman @ Habibur Rahaman***

... .. Petitioner

Mr. Kalidas Saha, Advocate

... .. For the Petitioner

Mr. Bidyut Kr. Roy,

Ms. Sima Biswas, Advocates

... ..For the State

Petition is taken up for consideration subsequent to order dated October 16, 2023.

By such order, interim anticipatory bail was granted by the co-ordinate Bench.

It is submitted at the Bar that the co-ordinate Bench did not consider the materials in the case diary and passed such order in view of the ensuing Puja vacation.

We perused the materials in the case diary. We find that the de facto complainant and the petitioner before us were married for about 18 years with three children being borne out of the wedlock.

There is a question of delay in the lodgment of the first information report also.

The allegations apparently are omnibus and general in nature.

In such circumstances, we confirm the order granted on October 16, 2023.

Consequently, we grant anticipatory bail to the petitioner.

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 once in a month till the conclusion of the investigation and on further 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.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 4270 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)