

03.01.2024

Sl.19

Court No.29

(AD)

(Allowed)

C.R.M. (A) 4297 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with GR 1006/23 in connection with **Suri** Police Station Case No.**334 of 2023** dated **05.08.2023** under Sections **498A/323/325/307/506/34** of the Indian Penal Code.

And

In the matter of: **Palash Kumar Saha**

....petitioner.

Mr. Sumanta Chhabakraborty

Mr. Anirban Dutta

Ms. Kasturi Dutta

... for the petitioner.

Mr. Debabrata Chatterjee, Ld. APP

Mr. Santanu Chatterjee

...for the State.

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 16, 2023 passed by the Coordinate Bench.

By such order, an interim anticipatory bail was granted to the petitioner.

It is submitted at the bar that such order was passed without considering the materials in the case diary and in view of the ensuing puja vacation.

We considered the materials in the case diary.

Learned Advocate appearing for the petitioner submits that, the police complaint was filed thirteen years after marriage. There is a son of seven years of age born out of the wedlock.

Learned Advocate appearing for the State submits that, the police seized the stridhan articles.

Considering the fact that the de facto complainant was married to the petitioner for thirteen years and considering the

materials in the case diary and considering the fact that some of the stridhan articles were seized, we confirm the anticipatory bail granted to the petitioner on October 16, 2023.

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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will report before the Investigating Officer once a month till the conclusion of the investigation 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.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 4297 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)