

**03.01.2024**

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Ct. No. 29  
S.D.  
Allowed

**C.R.M.(A) 4350 of 2023**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Berhampore** Police Station Case No. **1117** of **2023** dated **9.8.2023** under Section 498A/307 of the Indian Penal Code.

And

In Re : Jiten Sarkar

..... petitioner

Ms. Minoti Gomes

Ms. Chandrima Debnath

....for the petitioner

Mr. Bidyut Kumar Roy

Ms. Rita Datta

....for the State

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

By such order dated October 16, 2023, the petitioner was enlarged on an interim anticipatory bail by the Coordinate Bench.

It is submitted at the bar that, the interim anticipatory bail was passed just prior to the ensuing puja vacation without considering the materials in the case diary.

We perused the materials in the Case Diary.

The police complaint was lodged 21 years after marriage.

The injury suffered was classified as simple injury.

Considering the materials in the case diary and the gravity of the offence, we confirm the interim order dated 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/-, 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 meet the Investigating Officer once in 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.

This application for anticipatory bail is, thus, allowed.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**

