

03.01.2024
Item No.72
Ct. No. 29
CHC
Allowed

C.R.M.(A) 4385 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chanchal** Police Station Case No. **1216** of **2023** dated **08.09.2023** under Sections **498A/325/308** of the Indian Penal Code read with Section **4** of the Muslim Women (Protection of Right on Marriage) Act.

And

In the matter of : Mahabul Haque @ Mahabubul Haque
..... petitioner

Mr. Tapan Datta Gupta,
Mr. Parvej Anam
....for the petitioner

Mr. Bidyut Kumar Roy,
Ms. Sima Biswas
....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.

We perused the materials in the Case Diary. Police complaint was filed after 12 years of marriage. The allegations apparently are omnibus and general in nature.

In such circumstances, 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/- (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 will report before the Investigating Officer once in a month till the conclusion of 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.

CRM(A) 4385 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)