

05.01.2024

06
Ct. No. 29
S.D.

C.R.M.(A) 4478 of 2023

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Baishnabnagar** Police Station Case No. **569** of **2023** dated **23.8.2023** under Section 498A/323/325/354/307/313/34 read with Section 3/4 of the Dowry Prohibition Act and Section 4 of the Muslim Women (Protection Rights on Marriage) Act, 2019.

And

In Re : Abdur Rajjak @ Abdur Razzaque & Ors.

..... petitioners

Md. Wasim Akram

....for the petitioners

Mr. Tanmoy Kumar Ghosh

Ms. Sonali Bhar

...for the State

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

By such order dated October 16, 2023, the petitioners were enlarged on an interim anticipatory bail.

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

Learned advocate appearing for the petitioner submits that, the petitioner no. 1 is paying a sum of Rs.6000-7000/- per month being the maintenance. Petitioner no. 1 seeks to reside with the defacto-complainant.

The matter is pending over a considerable period of time. No attempt was made by the petitioners to settle the matrimonial dispute.

Materials in the case diary suggest requirement of investigation.

The conduct of the petitioners suggests that they are keeping the matter pending and that the claim for settlement is a ruse to obtain an order of anticipatory bail.

In such circumstances, we are unable to confirm the interim order dated October 16, 2023 or to grant anticipatory bail to any of the petitioners.

Accordingly, prayer for anticipatory bail of the petitioners is rejected and the application being CRM (A) 4478 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)