

08.01.2024
ML.8
Court No.29
(AD)
(Rejected)

C.R.M. (A) 4559 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Taltala Women/Bowbazar** Police Station Case No.**111 of 2023** dated **15.06.2023** under Sections **498A/406/315/34** of the Indian Penal Code, 1860, read with Section **4** of the Muslim Women (Protection of Right on Marriage) Act, 2019 (GR (NS) Case No.443 of 2023).

And

In the matter of: **Habib Akhtar Shamsi & Ors.**

....petitioners.

Mr. Pravash Bhattacharya
Ms. Kum Kum Mitra

...for the State.

Mr. Rahul Verma
Mr. S.M. Saha Podder

... for the de facto complainant.

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, the interim anticipatory bail was granted to the petitioners.

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 perused the materials in the case diary.

None appears in support of the application.

State and the de facto complainant are represented.

Considering the materials in the case diary, we are of the view that the complaint requires investigation.

Enlarging the petitioners on anticipatory bail at this stage will be inimical to the investigation.

In such circumstances, we are unable to confirm the interim order dated October 16, 2023.

Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

C.R.M. (A) 4559 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)