

09.01.2024
205
Ct. No. 29
S.D.
REJECTED

C.R.M.(A) 4737 of 2023

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bagnan** Police Station Case No. **59** of **2023** dated **12.2.2023** under Section **498A/304B/306/34** of the Indian Penal Code read with Sections 3/4 of the D.P. Act.
And

In Re : Sk. Jiabul ali @ Jiabul Ali

..... petitioner

Ms. Devi Priya Mitra

....for the petitioner

Mr. Tanmoy Kumar Ghosh, Ld. S.G.A.,

Mr. Arindam Sen

...for the State

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 17, 2023 by the Coordinate Bench.

By such order dated October 17, 2023, the petitioner was 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.

We perused the materials in the case diary.

Learned advocate appearing for the petitioner submits that in-laws were granted anticipatory bail by the Coordinate Bench by the order dated September 25, 2023 passed in C.R.M. (A) of 3940 of 2023.

The petitioner before us is the husband.

There are materials in the case diary suggesting involvement of the petitioner, who is the husband, in the offence alleged. The co-accused was the mother-in-law and other family members who were granted anticipatory bail by the Coordinate Bench. Petitioner cannot be said to be standing on the same footing.

In such circumstances, we are unable to confirm the order dated October 17, 2023 or to grant anticipatory bail to the petitioner and the prayer of anticipatory bail is rejected.

The application being CRM (A) 4737 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)