

10.01.2024

222
Ct. No. 29
S.D.
Allowed

C.R.M.(A) 4878 of 2023

An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Domkal** Police Station Case No. **80** of **2023** dated **06.02.2023** under Sections 498A/302/304B/34 of the Indian penal Code read with Section 4 of the Dowry Prohibition Act and Section 10 of the Prohibition of Child Marriage Act.

And

In Re : Murtaja Sk @ Murtuj Ali Mondal

..... petitioner

Md. Golam Nure Imrohi

....for the petitioner

Mr. Debasish Roy, Ld. P.P.,

Mr. P.P. Das

Mr. Aniket Mitra

...for the State

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 18, 2023 passed by the Coordinate Bench.

By such order dated October 18, 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.

We find that the police filed charge sheet *inter alia* under Section 396 of the Indian Penal Code, 1860 and after conducting investigation *inter alia* under Section 302 thereof.

In view of such charge sheet, we find that there is a change in the circumstances subsequent to the earlier order of rejection of the prayer for anticipatory bail.

Moreover, other co-accuseds were granted anticipatory bail.

In such circumstances, we confirm the interim order dated October 18, 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. 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.)

