

27.02.2024
Item No.32
Ct. No. 29
CHC
Allowed

C.R.M.(A) 5115 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Itahar** Police Station Case No. **390/2023** dated **02.09.2023** under Sections **498A/323/307/379** of the Indian Penal Code, 1860.

And

In the matter of : Sirajul Mohammad @ Sirajul Haque & anr.
..... petitioners

Ms. Minoti Gomes,
Ms. Chandrima Debnath,
Ms. Dona Sanyal
....for the petitioners

Mr. Sanjib Kumar Dan
....for the State

None appears for the de facto complainant despite service.

Affidavit-of-service filed in Court be taken on record.

Husband surrendered before the jurisdictional Court and was released on bail.

Materials in the Case Diary do not suggest requirement of custodial interrogation of the petitioners before us.

In such circumstances we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) each, 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 petitioners will report before the Investigating Officer once in a month till the conclusion of investigation and on condition that the petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

CRM(A) 5115 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)