

Court No. 29

31.01.2024

(AD 42)

(S. Banerjee)

CRM(A) 5182 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliachak** Police Station Case No. **1255 of 2023** dated **17.09.2023** under Sections 498A/323/307/34 of the Indian Penal Code, 1860.

And

In the matter of: **Md. Abdulla Sk. W Abdullaha Sk.**

Mr. Kalidas Saha

... for the petitioner

Mr. Avishek Sinha

... for the State

The petitioner prays for anticipatory bail.

Learned advocate for the petitioner highlights the delay in lodging the First Information Report. He submits that the police complaint was lodged two weeks after the date of the incident.

Learned advocate for the State draws the attention of the court to the materials on Case Diary.

The petitioner before us is the husband. Neighbors recorded statement under Section 161 Cr.P.C. where they implicated the petitioner in torturing the de facto complainant. Apparently, the petitioner drove away the de facto complainant from the matrimonial home along with four children.

Considering the materials in the Case Diary and the involvement of the petitioner therein, we are unable to grant anticipatory bail to the petitioner.

CRM(A) 5182 of 2023 is rejected.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)