

11.01.2024.
48.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4543 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak P.S. Case No.944 of 2022 dated 24.08.2022 under Sections 498A/323/324 of the Indian Penal Code read with Section 3/4 of the Dowry Prohibition Act and Section 4 of the Muslim Women (Protection of Rights on Marriage) Act and added Sections 4/6/18 of the POCSO Act and Section 9/10 of the Child Marriage Act.

In the matter of : **Matiulla Sk @ Matulla Sk.**

.... Petitioner.

Md. Wasim Akram.

...for the Petitioner.

Mr. Bibaswan Bhattacharya.

...for the State.

1. Heard the learned Advocates for the parties.
2. We have considered the materials on record. There was a romantic relationship between the parties. They married under the Personal Law. Allegations of torture are general and omnibus. Petitioner is in custody for 170 days.
3. Under such circumstances, we are inclined to grant bail to the petitioner.
4. Accordingly, the petitioner viz., **Matiulla Sk @ Matulla Sk** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court-cum-Additional District Judge, 2nd Court, Malda subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not

intimidate witnesses or tamper with evidence in any manner whatsoever.

5. In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)