

24.04.2024
Court No.01
Item No. 10
Allowed

KC

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

CRM (A) 328 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with **Alipurduar Women** Police Station Case No. 77 of 2023 dated 30.12.2023 under Sections 498(A)/313 of the Indian Penal Code read with Section 11(i)(d) of the Prevention of Cruelty of Animal Act, 1960.

And

In Re: **Rahim Hossain & Ors.**

Petitioners

Mr. Sudip Guha
Mr. Sandip Guha Roy
Mr. Ananda Paul

For the Petitioners

Mr. Aditi Shankar Chakraborty, learned APP
Mr. Ujjwal Luksom
Ms. Namrata Das

For the State

1. Learned advocate for the petitioners submits before this Court that the allegation, as made out in the First Information Report, is an outcome of a matrimonial dispute and the same is too much exaggerated.
2. Learned counsel for the State opposes the prayer for anticipatory bail.
3. On perusal of the entire materials of the case diary, we do not find any prima facie material to attract the provision of Section 313 of the Code of Criminal Procedure as against the present petitioners. Admittedly, there are allegation of harassment both physical and mental at the instance of the present accused petitioner upon the victim lady but considering the fact that the present case is the outcome of the matrimonial dispute, we are inclined to take a lenient view.

4. In view of such, we are inclined to grant anticipatory bail to the present accused petitioners.
5. Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two registered sureties of like amount each, subject to the satisfaction of the Arresting Officer and with a further condition that the present accused petitioner shall comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. It is further ordered that the present petitioner nos. 1 (Rahim Hossain) and 3 (Furuddin Miya) shall meet the Investigating Officer once in a week and/or as and when called for by the concerned Investigating Officer till completion of the investigation unless they have been exempted from appearing by the concerned learned Trial Court. It is further ordered that the present accused petitioner nos.2 (Lovely Bibi) and 4 (Amina Bibi) shall meet the Investigating Officer as and when called for by the concerned Investigating Officer till completion of the investigation unless they have been exempted from appearing by the concerned learned Trial Court and the petitioners shall not leave the territorial jurisdiction of the learned Trial Court except with the permission of the concerned learned Trial Court till submission of the final report..
6. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
7. **CRM (A) 328 of 2024** is, thus, disposed of.
9. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Partha Sarathi Sen, J)

