

07.02.2025
33.
Ct. No. 28
SG
[Allowed]

C. R. M. (A) 385 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Mothabari Police Station Case No. 19 of 2025 dated 05.01.2025 under Sections 498A/323/506/34 of IPC and Section 4 of DP Act and Section 4 of Muslim Women Protection of Right on Marriage Act, 2019.

And

In Re: **Rocky Sk @ Roky.**

... .. Petitioner

Mr. Arup Kumar Bhowmick.

.... For the petitioner

Ms. Manisha Sharma,
Mr. Sujoy Sarkar.

.... For the State

Mr. Tapan Dutta Gupta,
Ms. Puspā Rani Jaiswara,
Mr. Parvej Anam,

...for the de facto complainant

1. Petitioner contends there was a matrimonial dispute between the parties and he has been falsely implicated. Accordingly, he prays for anticipatory bail.

2. Learned Advocate for the State opposes the prayer for anticipatory bail and submits petitioner had illegally divorced his wife by pronouncing '*triple talak*'. This is corroborated by learned Advocate for the *de facto* complainant.

3. We have considered the materials on record. Petitioner is the husband of the *de facto* complainant. They were married in 2018. Two children have been born to the couple. Allegation of torture is general and omnibus. Custodial interrogation for progress of investigation vis-à-vis offences including the offence

under Section 4 of Muslim Women (Protection of Rights on Marriage) Act, 2019 is not necessary.

4. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner subject to conditions.

5. Accordingly, we direct that in the event of arrest, the petitioner viz., **Rocky Sk @ Roky** 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 subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that the petitioner shall meet the Investigating Officer once in a week until further orders. He shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

6. Application for anticipatory bail is, thus, disposed of.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)