

30.03.2026
Court No.28
Item No.21
tbsr
Allowed

CRM (A) 425 of 2026

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973/Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Park Street P.S. Case No.211 of 2019** dated **01.11.2019** under Sections **498A/376B/509/506** of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act.

And

In the matter of: Md. Akbar

....Petitioner.

Mr. Supriyo Das

...for the petitioner.

Md. Anwar Hossain

Mr. Nirupam Dhali

.....for the State.

Report filed on behalf of the State is taken on record.

Despite service, no one appears on behalf of the de facto complainant.

Learned counsel appearing on behalf of the petitioner submits as follows. It is alleged that even after granting talaq, the petitioner indulged in a physical relationship with the alleged victim without her consent. However, there is a delay of more than two years in lodging the FIR. The petitioner had complied with the notice given under Section 41(A) of the Code of Criminal Procedure. It is only after the petitioner's application for anticipatory bail was rejected for the second time by the learned Sessions Court that the petitioner has now approached this Court.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the statement of the victim recorded before the learned Magistrate and the statements of other witnesses, including the statement of the son of the victim, as well as

the injury report. According to the statement of the son, the last date of occurrence was 28.03.2017. However, the FIR was lodged on 01.11.2019.

Considering the above, the other materials available in the case diary, the fact that the petitioner had responded to the notice issued by the Investigating Agency earlier and the fact that charge sheet has already been submitted, although I am inclined to grant anticipatory bail to the petitioner, his movement shall remain restricted for a limited period.

In the event of arrest, the petitioner 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 Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on further condition that the petitioner shall surrender before the learned jurisdictional Court and pray for bail within four weeks from this date and regularly attend the jurisdictional Court and shall not threaten or intimidate witnesses and shall stay outside the jurisdiction of Park Street P.S. for a period of six months except for meeting the Investigating Officer or attending the jurisdictional Court.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)