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3.9.2020
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C.R.M. No. 5871 of 2020
C.R.A.N.1/ 2020(Old No.CRAN 4291/2020)

In the matter of an application for bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 13.8.2020 in connection with New Township Police Station Case No. 70 of 2020 dated 03.07.2020 under Sections 498A/406/313/34 of the Indian Penal Code.

And

In Re : Manmatha Sarkar
... Petitioner.

Mr. Kaushik Choudhury
...for the petitioner.

Mr. Goutam Wilson
...for the State.

The petitioner undertakes to affirm and stamp the petition as per the Rules within one month of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The learned Advocate for the petitioner submits that the instant case was initiated at the behest of the complainant for settling her case in a matrimonial discord. He further submits that going by the allegations custodial detention of the petitioner is unwarranted.

Mr. Wilson, learned Advocate appearing for the State vehemently opposes the prayer for anticipatory bail as the petitioner happens to be the husband of the complainant. He further draws the attention of this court to the statement made under Section 164 Cr. P.C. by the victim.

We have taken into account the materials of the case more particularly the fact that although the case was

registered under Sections 498A/406/313/34 of the Indian Penal Code but there are no evidence so far as mis-carriage is concerned.

Going by the materials and the involvement of the petitioner, we are of the opinion that the case can continue without the petitioner being taken into custody.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed subject to the condition that :-

- i) the petitioner would surrender himself before the learned CJM, Paschim Burdwan by 30th September, 2020.
- ii) The petitioner, in the meantime, shall meet with the Investigating Officer once a week and in case the Investigating Officer feels that the petitioner's arrest is warranted, in that case the Investigating Officer after arrest, shall release him on furnishing a bond of Rs.10,000/-(ten thousand only) with two sureties of like amount each and on condition that the petitioner should abide by the provisions of Sub-Section 2 of Section 438 Cr.P.C.

This order of anticipatory bail is valid till 30th September, 2020.

With the above observations, CRM. 5871 of 2020 and C.R.A.N.1/ 2020(Old No.CRAN 4291/2020) are disposed of.

(Samapti Chatterjee, J.)

(Tirthankar Ghosh, J.)