

06.10.2020.

Item No. 16

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C.R.M. 7466 of 2020
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I.A. No. C.R.A.N. 1 of 2020

(Via Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Suri P.S. Case No. 223 of 2020 dated 04.08.2020 under Sections 493/376(2)(m)/406/417/420 of the Indian Penal Code (G.R. Case No. 584 of 2020);

And

In the matter of : **Arijit Chowdhury and another.**

... petitioners.

Mr. Milon Mukherjee,

Mr. Shivaji Kr. Das.

...For the petitioners.

Mr. Saibal Bapuli, Ld. APP,

Mr. Arijit Ganguly,

Mr. Sanjib Kr. Dan.

...For the State.

The advocate-on-record for the petitioners undertakes to affirm and properly stamp the petition as per the rules within forty-eight hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The petitioner no. 1 is the husband of the defacto complainant and the petitioner no. 2 is the mother of the petitioner no. 1. The reference to the petitioner in this order will refer to the petitioner no. 1.

This prima facie appears to be a pure and simple civil dispute concerning in couple.

According to the petitioner, he and the defacto complainant got married in November 2019 in a temple in Bolpur.

Mr. Mukherjee, learned senior advocate appearing for the petitioners, shows us the Health Insurance Policy issued

by the Manipal Cigna dated 9th December 2019 where the petitioner insured the defacto complainant declaring her as his wife. In February 2020, the defacto complainant got pregnant. According to the petitioner, he planned a registered marriage in June 2020 but because of the lockdown it did not materialize. Mr. Mukerjee also says that on 12th July 2020 a ceremonial marriage was planned but it could not take place as the defacto complainant left the house of the petitioner in June 2020.

Thereafter she lodged a complaint under Section 493 read with Section 376 of the Indian Penal Code.

We record that an assurance is given by Mr. Mukherjee to this court that his client is willing to reunite with the defacto complainant and to bear the expenses of child delivery and maintain the child.

The petitioner admits marrying the defacto complainant. We have referred to the Health Insurance Policy where the petitioner declared the defacto complainant as his wife. In these circumstances we do not think that custodial interrogation of the petitioners is necessary in this case. We allow the application for anticipatory bail.

In the event of arrest, the petitioners will be released on bail upon furnishing security of Rs. 10,000/- (Rupees ten thousand) together with personal release bond of equivalent value to the satisfaction of the arresting officer.

The petitioners will also comply with the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

CRM 7466 of 2020 and CRAN 1 are disposed of.

(I.P. Mukerji, J.)

(Hiranmay Bhattacharyya, J.)

