

09.10.2020

Ct. No. 8

Suppl.No. 95

Amalranjan

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE**

(Via Video Conference)

CRM No. 7748 of 2020

In re : **Ghanshyam More**

..... Petitioner/wife

Re : An application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Darjeeling Sadar Police Station Case No. 93 of 2020 dated 12.09.2020 Corresponding to G.R. Case No. 216 of 2020 under Sections 498A/325/307/313/354/34 of the Indian Penal Code read with Sections 3 /4 of Dowry Prohibition Act.

Mr. Rajdeep Majumdar
Mr. Mayukh Mukherjee
Mr. Rohit Agarwal

..... For the petitioner

Mr. Tapan Bhattacharya

..... For the State.

Mr. Aniruddha Biswas

....for the defacto-complainant

The petitioner undertakes to affirm and properly stamp the petition within 48 hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking

We have heard the submissions of learned counsel appearing for the petitioner and learned counsel appearing for the State.

Prima facie, this complaint under Section 498A of the Indian Penal Code appears to be a sequel to the break down of marriage between the husband accused and the complainant wife.

The parties were married on 22nd November, 2019. They parted company in April, 2020. On 12th June, 2020 the husband sued for divorce. The notice was served on the wife on 4th August, 2020. The complaint was lodged as late on 12th September, 2020.

Learned counsel for the complainant submits that the accused husband caused termination of his wife's pregnancy in January, 2020. In answer to that we are told that the couple travelled to Bagdogra on 18th January, 2020.

There is no contemporaneous complaint after marriage. The complaint was made some 5 months after the couple started living apart from April, 2020. It was filed more than one month after the receipt of the notice of the divorce proceeding by the wife.

Considering all the circumstances, we do not think that custodial interrogation of the husband is required. We allow this application for anticipatory bail.

In the event of arrest, the petitioner will be released on bail upon furnishing security of Rs. 10,000/- together with personal release bond of equivalent value to the satisfaction of the Arresting Officer. The petitioner will also abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

The petitioner will not leave the jurisdiction of the Siliguri Police Station without the permission of the Officer-in-Charge

The Plane e-ticket is taken on record.

The application for anticipatory bail CRM 7748 of 2020 is disposed of.

(Md. Nizamuddin, J.)

(I. P. Mukerji, J.)