

20.10.2020

CRM 7945 of 2020

Court No. 8
Item No. 19
abhar/bdutta

(Via Video Conference)

In Re: An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with Pashkura Police Station Case No. 244 of 2020 dated 18.08.2020 under Sections 498A/307/406/506/34 of the Indian Penal Code and read with Section 3/4 of the Dowry Prohibition Act.

and

In the matter of: **Santanu Bera**

..... Petitioner

**Mr. Sabir Ahmed,
Mr. Shrman Sarkar,
Mr. Apan Saha,
Mr. Mujibar Ali Naskar**

.....for the Petitioner

**Mr. S. S. Imam
Mr. Sandip Kundu.**

..... for the State

The learned advocate for the petitioner undertakes to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

It is submitted by the learned advocate for the petitioner that though the instant case was initiated on the basis of the complaint of the wife but subsequently good sense prevailed between the parties and, in fact, they have decided to sever the nuptial tie by filing an application under Section 28 of the Special Marriage Act, 1954. It is further submitted that if any arrest is made, it may frustrate the decision of the parties.

The learned advocate appearing for the State submits that till date no attempt to arrest the petitioner has been made although the investigation is still going on. However, the learned advocate for the State showed his inability to apprise the Court on the factum of approaching the district Court for mutual divorce.

Be that as it may, it appears from the statement of the petitioner that the parties have decided to part way from the matrimonial tie and filed an application for divorce on mutual consent under the Special

Marriage Act. It will have the counter effect on such decision if the arrest is made as there is every possibility of any of the parties to resile from such decision. Accordingly, the prayer for anticipatory bail is allowed.

Therefore, we direct that in the event of arrest, the petitioner namely, **Santanu Bera** be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and with a further condition that he shall meet the Investigating Officer as and when required.

The application being **CRM 7945 of 2020** is **allowed**.

(Ravi Krishan Kapur, J.)

(Harish Tandon, J.)