

20.11.2020.

Item No. 55

ap

**C.R.M. 8820 of 2020
(via video conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 03.11.2020 in connection with Uttarpara Police Station Case No. 303 of 2020 dated 01.10.2020 under Sections 498A/406 of the Indian Penal Code.

And

In the matter of: Suprabhat Biswas. ...Petitioner

Mr. Koustav Bagchi. ...For the petitioner

Mr. Madhusudan Sur.For the State

Mr. Navanil De. ..For the de facto complainant.

The petitioner says that following a matrimonial dispute and the petitioner applying for dissolution of marriage, a completely false complaint has been lodged.

The de facto complainant is represented. The de facto complainant claims that 80 bhoris of gold was presented by the de facto complainant's father during her marriage. The father was apparently a Central Government employee and the mother is a school teacher.

The petitioner claims that it has been categorically stated in the petitioner's petition for divorce that the wife left the matrimonial home along with all her belongings.

It is difficult to imagine that in the present day about 80 bhoris of gold would be presented by a middle class family on the marriage of a daughter in the year 2019. There is no doubt that the father will have all the income tax declarations showing purchase of the jewellery. Even if the jewellery has been purchased by the mother, she ought to

have disclosed adequate income to the Income Tax Department to be able to afford the same. The case run by the wife is so high that it is not difficult to give credence to the petitioner's assertion that the complaint is a counterblast to the petition for divorce being filed.

Whatever may be the disputes, the custodial interrogation of the petitioner may not be necessary. It would be in the interest of all if Advocates representing the parties counsel clients to have their disputes resolved through mediation.

In the event of arrest, the petitioner will be enlarged on bail upon furnishing security of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer. The petitioner should abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

CRM 8820 of 2020 is disposed of.

(Sanjib Banerjee, J.)

(Hiranmay Bhattacharyya, J.)