

21.01.2021
Court No.28
rpan / 168

C.R.M. 290 of 2021
(Via Video Conference)

In Re:- An application for anticipatory bail under section 438
of the Code of Criminal Procedure ;

And

In Re : **Surajit Kundu**

....Petitioner.

Mr. Kaushik chaudhury,

Ms. Bursa Khatun

....for the Petitioners.

Mr. Narayan Prasad Agarwala,

Ms. Subhasree Patel

... for the State.

Apprehending arrest in connection with Kaliyaganj P. S.
Case No. 425 of 2020 dated 18.10.2020 under Sections
498A/406/328/325/34 of the Indian Penal Code read with
Sections 3/4 of the Dowry Prohibition Act, the petitioner has
filed the present application.

The learned advocate for the petitioner submits that the
marriage was solemnized three years prior to the date of
registration of the FIR and the present case has been initiated
as a counter-blast to the matrimonial suit which was filed at
the instance of the present petitioner.

Learned advocate for the State opposes the prayer and
submits that there are allegations against the present
petitioner for inflicting torture.

We have taken into account the nature of allegations
which are appearing in the statements of the witnesses as
also the other papers and having considered the fact that the

present case was instituted after the matrimonial suit was filed at the instance of the present petitioner, we are of the opinion that custodial detention of the petitioner may not be warranted in the facts and circumstances of the case. As such, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner shall meet with the Investigating Officer of the case once a week on and from 25th January, 2021 until further orders.

The application for anticipatory bail, being CRM 290 of 2021, is, thus, disposed of.

(Tirthankar Ghosh, J.)
Chakraborty, J.)

(Tapabrata