

05.03.2021
Court No.28
Item No. 19
Krishnendu
ALLOWED

C.R.M. 534 of 2021

(Via video Conference)

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

And

In re: **Aswani Mandal @ Aswini Mondal**

.....Petitioner

Mr. Siddhartha Sarkar

.....For the Petitioner

Mr. Prasun Kumar Dutta

Mr. Pratick Bose

.....For the State

Apprehending arrest in connection with Daspur Police Station Case No. 343 of 2020 dated 08.09.2020 under sections 498A/323/307/354A/406/307/34 of the Indian Penal, 1860 read with sections 3 & 4 of the D.P. Act, the petitioner has filed the present application.

The petitioner before this Court is the husband of the *de facto* complainant. It is submitted on behalf of the petitioner that he is innocent of the charges and due to a trivial matrimonial dispute, the present criminal case was initiated against the present petitioner and others.

Mr. Dutta, learned advocate for the State opposes the prayer for anticipatory bail. He submits that there are no injuries, which would substantiate the allegations under sections 323/307 of the Indian Penal Code.

Having regard to the materials available in the case diary and the fact that the present petitioner is a permanent

resident, as indicated in the cause title of the application, we are of the view that the petitioner is entitled to the privilege of anticipatory bail. As such, the prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, Aswani **Mandal alias Aswini Mondal**, 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 application for anticipatory bail, being CRM No. 534 of 2021, is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)