

12.03.2021

Court No.28

rpan / 33

CRM 622 of 2021
(Via video Conference)

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

And

In Re : **Asheesh Kumar Sharma @ Asheesh Kumar**
- Petitioner

Mr. Uttam Kumar De

... For the Petitioner.

Mr. Prasun Kumar Dutta,

Mr. Subrato Roy

... For the State

Apprehending arrest in connection with Tarakeswar Police Station Case No. 139 of 2020 dated 07.10.2020 under sections 498(A)/406/323/504/506(2)/120B/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 petitioner is working in the security forces and the lady, who happens to be the complainant / wife, is also an employee of the security forces. The marriage was solemnized in October, 2016 and a child was also born out of the said wedlock. However, due to trivial matrimonial dispute, the present case has been initiated. Learned advocate further submits that having regard to the nature of allegations and the fact that the petitioner is a Government employee, the custodial detention of the petitioner may not be warranted.

The learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that statements of the

witnesses reveal certain torture being inflicted upon the complainant but concedes to the fact that there are no injury report being available in the case diary.

We have considered the materials and having regard to the fact that there is no chance of absconsion as the petitioner is the Government servant, there are matrimonial disputes between the petitioner and the *de facto* complainant and they have a child, we are of the opinion that custodial detention/interrogation of the present 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, we direct that in the event of arrest the petitioner, namely, **Asheesh Kumar Sharma @ Asheesh Kumar**, 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 is directed to cooperate with the investigation of the case and should appear before the Investigating Officer as and when called for.

The application for anticipatory bail, being CRM No. 622 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.)

