

104 08.06.2021
S.K/ Ct. No.28
S.M (Allowed)

C.R.M. 3463 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **20/03/2021** in connection with **Bankura Women** P.S. Case No. **23 of 2021** dated **12/03/2021** under Sections 498A/323/325/307/506/34 of the Indian Penal Code and under Sections 3/4 of the Dowry Prohibition Act.

And

In the matter of: Ujjwal Chatterjee

....petitioner.

Mr. Soumik Ganguli,
Mr. Sourat Nandy,
Mr. Sayan Roy

...for the petitioner.

Mr. Tanmoy Kumar Ghosh,
Mr. Arindam Sen

...for the State.

The application for anticipatory bail under Section 438 CrPC has been filed apprehending arrest in connection with Bankura Women P.S. Case No. 23 of 2021 dated 12.03.2021 under Sections 498A/323/325/307/506/34 of the Indian Penal Code and under Sections 3/4 of the Dowry Prohibition Act has also been included in the FIR.

It is submitted by the counsel for the petitioner that he has purchased a flat in his name in which he lived together with the complainant. Since after lodging the said FIR, the petitioner has been thrown out of his house. It is further submitted that the petitioner has been regularly supplying and paying for the household expenses of the wife complainant.

Counsel for the State submits that the petitioner is not required for custodial interrogation.

This court finds that the charges are omnibus in nature.

In the above circumstances the petitioner has made out a case for relief under Section 438 CrPC and hence the application is allowed.

Accordingly, in the event of arrest, the petitioner shall be released on bail subject to satisfaction of conditions under Section 438 (2) of CrPC, 1973 and upon furnishing Bond 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 Investigating Officer, subject to condition that the petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall not enter the jurisdiction of the police station except for the purpose of investigation and attending Court proceedings and shall provide the address where he shall reside while on bail to the investigating officer as well as the court below and shall report to the officer-in-charge of the concerned police station within whose jurisdiction he shall reside once in a week until further orders. The petitioner shall surrender his passport to the I.O. and if he does not possess a passport shall submit an affidavit to that effect before the I.O.

In the event of arrest the petitioner fails to appear before the trial Court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this court.

The application for anticipatory bail is, thus, disposed of.

The parties shall act in terms of the copy of the order

downloaded from the official website of this court.

(Biswajit Basu, J.)

(Rajasekhar Mantha, J.)