

16.09.2021
Serial no. 39
Dd

(Through Video Conference)

CRM 5911 of 2021

In re : An Application for anticipatory bail under Section **438** of the Code of Criminal Procedure filed on **3.09.2021** in connection with **Howrah (Women)** Police Station Case No. **24** of **2021** dated **24.08.2021** under Sections **498A/406/506/379** of the Indian Penal Code.

-and-

In the matter of : **Barun Banerjee & Ors.**

...Petitioners

Mr. Ayan Bhattacharya,
Mr. Kunal Ganguly, advocates
... .. For the Petitioners

Mr. Saibal Bapuli, Id. APP
Mr. Soumik Ganguli, advocates
... ..For the State

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioners submits that the petitioner no. 3 is the husband of the de facto complainant. The marriage between the petitioner no. 3 and the de facto complainant took place on December 21, 2011. The petitioner no. 3 filed suit for divorce on the ground of adultery against the de facto complainant on July 8, 2021. Thereafter, the petitioner no. 3 received a notice issued by learned advocate for the de facto complainant on August 8, 2021 seeking amicable settlement of the disputes. Subsequently, the de facto complainant lodged the First Information Report on August 24, 2021 alleging adultery against the petitioner no. 3. He submits that the present complaint is a counter-blast to the earlier proceeding taken by the petitioner no. 3 against the de facto complainant.

State is represented.

Considering the facts and circumstances of the case, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, 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 and on further condition that the Petitioner nos. 1 and 3 shall meet the Investigation Officer once in a week until further orders and petitioner no. 2 will cooperate with the investigation of the case and that the petitioners shall appear before the Court below and pray for regular bail within four weeks from date.

The prayer for anticipatory bail is, thus, **allowed**.

CRM 5911 of 2021 is **disposed of**.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)