

16.12.2021
Sl. No.110
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[ALLOWED]

C. R. M. 6633 of 2021

[via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 29.09.2021 in connection with Rishra Police Station Case No. 05 of 2021 dated 18.01.2021 under Sections 498A/406/494 of the Indian Penal Code.

And

In Re: ***Abhay Bahadur Singh***

... .. Petitioner

Mr. Sandipan Ganguly Sr.Adv.
Mr. Karan Dudhwewala
Mr. Souradipta Banerjee
Ms. Fatima Hassan

... .. for the petitioner

Mr. Sabyasachi Banerjee
Mrs. Aafreen Perveen
Ms. N. Ahmed

... .. for the defacto complainant

Mr. Bidyut Kumar Roy
Ms. Rita Datta

... .. for the State

It is submitted on behalf of the petitioner that the criminal case has been registered 17 years after marriage. The defacto complainant is living separately since 2018 and the allegations of torture are an afterthought.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that the petitioner tortured the housewife and misappropriated her properties.

Learned advocate appearing for the defacto complainant submits that she was kept at her parental home since 2018 and her properties were misappropriated.

We have considered the materials on record. The marriage took place in 2003 and two children were born to the couple. Admittedly, the defacto complainant is residing at her parental home

since 2018 and there is no contemporaneous complaint with regard to the ill treatment or misappropriation of properties by the petitioner till registration of F.I.R. Under such circumstances, we are of the opinion though custodial interrogation of the accused/petitioner may not be necessary in the facts of the present case, he requires to cooperate with the investigation in accordance with law.

Accordingly, we direct that in the event of arrest, the accused/petitioner be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that petitioner shall meet the Investigating Officer once in a week until further orders and shall appear before the court below and pray for regular bail within four weeks from date.

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

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)