

15.11.2021

23

Ct. No. 29

KAUSHIK

Allowed

C.R.M. 6821 of 2021
(via video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tollygunge Women** Police Station Case No. **7** of **2021** dated **02.08.2021** under Sections 377/498A/406/354A/354C/34 of the Indian Penal Code, 1860.

And

In Re : Abhisekh Saha & Anr.

..... petitioners

Mr. Sandipan Ganguly
Ms. Rituparna Sil Sarkar
Mr. Arnab Mukherjee
Mr. Somosuvro Sarkar

....for the petitioners

Mr. Sabir Ahmed
Mr. M.A. Naskar

....for the de-facto complainant

Mr. Rana Mukherjee
Ms. Sujata Das

....for the State

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner made a previous complaint. The petitioners were falsely implicated in the present police complaint.

Learned advocate appearing for the petitioner further submits that, the petitioner no. 1 is ready and willing to pay a sum of Rs.15,000/- per month commencing from the month of December, 2021 to his wife towards her maintenance. This

payment will be wholly without prejudice to the rights and contentions of the petitioner no. 1 and his wife.

State and the de-facto complainant are represented.

Having heard the rival contentions of the parties and having considered the materials in the case diary and having considered the fact that the petitioners complied with the notice issued under Section 41A of the Code of Criminal Procedure, we grant anticipatory bail to the petitioners on condition that the petitioner no. 1 will meet the Investigating Officer as and when required.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further conditions that the petitioners shall meet the investigating officer as and when required until further orders and on the condition that the petitioners shall appear before the jurisdictional court on every date fixed and pray for regular bail within a period of four weeks from date.

It is clarified that the sum of Rs.15,000/-, which the petitioner no. 1 will pay to his wife commencing from the month of December, 2021 and payable within the 15th of each subsequent month, will be wholly without prejudice to the

rights and contentions of the petitioner no. 1 and his wife. This quantum may be varied or altered by the appropriate Court.

This order will not prevent the Investigating Authority to recover the Stridhan articles, if there be any, in accordance with law.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)