

24.11.2021

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Ct. No. 29

KAUSHIK

Allowed

C.R.M. 7537 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Sonamukhi** Police Station Case No. **102** of **2021** dated **12.07.2021** under Sections 498A/323/313/307 of the Indian Penal Code, 1860 read with Sections 3 and 4 of the Dowry Prohibition Act.

And

In Re : Shri Pintu Dey

..... petitioner

Mr. Pawan Kumar Gupta

Mr. Sougata Mitra

Ms. Sofia Nesar

Mr. Santanu Sett

....for the petitioner

Ms. Sonali Das

....for the State

Leave granted to the petitioner to correct the typographical error in the petition.

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. The complaint was lodged nine years after the marriage. The child born out of the wedlock is presently with the petitioner. The petitioner looking after the child.

Learned advocate for the petitioner also submits that, the petitioner volunteers to pay a sum of Rs.12,000/- per month to the de-facto complainant as her maintenance commencing from

the month of December, 2021 and payable within the 15th of every succeeding month until further orders by the appropriate Court.

Learned advocate appearing for the State draws the attention of the Court to the contents of the case diary.

Considering the materials in the case diary and considering the facts and circumstances of the case and considering the fact that the complaint was lodged nine years after the marriage, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 condition that the petitioner shall appear before the Investigating Officer once a month till the conclusion of the investigation and on condition that the petitioner shall appear before the jurisdictional court on every date fixed and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

The submission on behalf of the petitioner that the petitioner will be paying a sum of Rs.12,000/- per month to the de-facto complainant as maintenance month by month commencing from the month of December, 2021 and payable by

the 15th of each succeeding month is placed on record. It is clarified that, this order will not prevent the appropriate forum from quantifying the maintenance receivable by the de-facto complainant including the period of commencement of such maintenance in any manner whatsoever. The payment made and received will be wholly without prejudice to the sights and contentions of the parties.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)