

11.02.2021
Item No.116
Ct.No.28
Subha
Allowed

C.R.M. 7249 of 2020
(Via Video Conference)

In Re : An Application for anticipatory bail under Section 438
of the Code of Criminal Procedure.

And

In the matter of : **Vikash Kumar Bhunia alias Vikash Kumar
Bhukania**
.....petitioner.

Ms. Subhasree Patel
Mr. Soham Banerjee

... For the petitioner.

Mr. Aniket Mitra

... For the State.

Ms. Rituparna De Ghose ...for the *de facto* complainant.

Apprehending arrest in connection with Karaya
Police Station Case No. 299 of 2020 dated 01.08.2020 under
Sections 498A/406/34 of the Indian Penal Code, the present
application has been preferred.

Ms. Patel, learned advocate appearing for the
petitioner submits that the petitioner is the husband of the
de facto complainant and he has been falsely implicated.
The petitioner married the *de facto* complainant in the year
2002. Out of the said wedlock, two children were born, who

are presently aged about 15 years and 16 years respectively. No overt act has been attributed to the petitioner and in view thereof, his custodial detention is not warranted.

Ms. De Ghosh, learned advocate appearing for the *de facto* complainant opposes the petitioner's prayer and submits that *stridhan* articles have not been returned to the *de facto* complainant.

Mr. Mitra, learned advocate appearing on behalf of the State has drawn the attention of this Court to several documents in the case diary. The report of S. I, Karaya P. S dated 18-11-2020, as placed by Mr. Mitra, be kept with the record.

Having heard the learned advocates and considering the materials available in the case diary, the nature of allegations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial detention of the petitioner is not warranted.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioner, namely, **Vikash Kumar Bhunia alias Vikash Kumar Bhukania** shall be released on bail upon furnishing a 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 Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and a further condition that the

petitioner shall reside within the jurisdiction of Karaya Police Station, until further orders.

The application for anticipatory bail, being CRM 7249 of 2020 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)