

12.03.2021.

163.

as

(Allowed).

C.R.M. 11084 of 2020

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Chinsurah P.S. Case No.379 of 2020 dated 26.11.2020 under Sections 341/ 354B/ 498A/406/307/504 /506/ 120B/34 of the Indian Penal Code.

In the matter of : Dr. Kunal Chakraborty.

... Petitioner.

Mr. Asimes Goswami,
Ms. Paulomi Banerjee.

...for the Petitioner.

Mr. Imran Ali,
Ms. Sima Biswas.

.....for the State.

Apprehending arrest in connection with Chinsurah P.S. Case No.379 of 2020 dated 26.11.2020 under Sections 341/ 354B/ 498A/406/307/504 /506/ 120B/34 of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail.

It is submitted by the learned Advocate for the petitioner that the petitioner had a broken relationship with the wife and in fact the proceedings for restitution of conjugal rights and the judicial separation was launched by both the parties. It is further submitted that the parties subsequently wanted to restore of such broken relationship and started living thereafter. But the petitioner left the matrimonial house and thereafter filed the complaint which gave rise to the registration of first information report.

On the other hand, the learned Advocate appearing for the State opposes the prayer for bail and submits that the

statement of the wife recorded under Section 161 of the Code of Criminal Procedure would corroborate the statement made in the complaint and there is an existence of element of offence if committed by the petitioner under the aforesaid occasions. It is further submitted that the petitioner is not entitled to any privilege of pre-arrest.

After hearing the respective counsels and on perusal of the materials available from the Case Diary and the statements of the victim as well as the minor children recorded under Section 161 and 164 of the Code of Criminal Procedure respectively, we feel that it is a fit case where the petitioner should get privilege of anticipatory bail.

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, one must be local subject to the satisfaction of the arresting officer with further condition that the petitioner shall meet the Investigating Officer fortnightly or as and when called for and shall co-operate with the investigation until further order. Apart from the aforesaid conditions, the further conditions enshrined under Section 438(2) of the Code of Criminal Procedure, 1973 shall also apply.

This application for anticipatory bail is, thus, allowed.

(Harish Tandon, J.)

(Kausik Chanda, J.)

