

CRM (A) 322 of 2022
(via video conference)

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

In the matter of : **Makhan Ghosh & Anr.**

..... petitioners

Mr. Kunal Ganguly

.....For the petitioners

Mr. Bidyut Kumar Roy
Ms. Sima Biswas

.....For the State

Mr. Soumyajit Das Mahapatra

.....For the *de facto* complainant

Apprehending arrest in connection with Durgapur Women Police Station Case No. 29 of 2021 dated 24.06.2021 under Sections 498(A)/323/509/34 of the Indian Penal Code, the present application has been preferred.

The learned advocate appearing for the petitioners submits that the petitioner no. 1 is the husband and the petitioner no. 2 is the father-in-law of the victim lady. The petitioner no. 1 and the victim lady had already preferred an application for mutual divorce and the same is pending. The allegations levelled against the petitioners are unfounded. In the said conspectus, custodial interrogation of the petitioners may not be necessary.

Mr. Das Mahapatra, learned advocate enters appearance on the behalf of the *de facto* complainant and does not dispute the fact that such mutual divorce

application has been filed. Let the mutual divorce petition, as produced, be kept on record.

The learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the documents in the case diary.

Having heard the learned advocates appearing for the respective parties and considering the nature of accusations and since the mutual divorce petition has been filed, we are of the opinion, that custodial interrogation of the petitioner is not necessary.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Makhan Ghosh** and **Sukumar Ghosh** shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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.

The application for anticipatory bail, being CRM (A) 322 of 2022, is, thus, disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)