

CRM (A) 520 of 2022

In re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 31.01.2022 in connection with English Bazar (Women) Police Station Case No. 231 of 2021 dated 13.11.2021 under Sections 498A/308/34 of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act.

-And-

In the matter of : **Biswanath Karmakar**

... ..Petitioner

Mr. Mritunjoy Chatterjee, Advocate

Mr. Debapriya Majumder, Advocate

... .. For the Petitioner

Mr. Bidyut Kr. Roy, Advocate

Ms. Rita Datta, Advocate

... .. For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. In any event the petitioner is ready and willing to pay 1/3rd of his gross salary month by month to the de facto complainant who is his estranged wife commencing from the month of February 2022 payable within 15th of each month.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary.

Considering the fact that the petitioner is ready and willing to pay maintenance month by month to the de facto complainant who is his estranged wife at the rate of 1/3rd of his gross salary per month commencing from the month of February 2022 and payable by 15th of each month and considering the materials in the case diary and the gravity of the offence and considering the fact that the petitioner is a railway employee, we deem it appropriate to 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/- (Rupees Ten Thousand Only), with two sureties of like amount each, 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 on further condition that the petitioner will report before the Investigating Officer once in a month till the conclusion of the investigation and on further condition that the petitioner shall appear before the Court below and prayer for regular bail within four weeks from date.

It is clarified that the quantum of maintenance that the petitioner volunteers to make as recorded in this order is subject to any order that may be passed by the appropriate forum having jurisdiction over the same.

The prayer for anticipatory bail is allowed.

CRM (A) 520 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)