

08.03.2022

09

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1111 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Pingla** Police Station Case No. **345** of **2021** dated **17.12.2021** under Sections 498A/323/307/406/34 of the Indian Penal Code, 1860 and Sections 3/ 4 of the Dowry Prohibition Act.

And

In Re : Suraj Khan

..... petitioner

Mr. Sabir Ahmed

Mr. Mujibar Ali Naskar

....for the petitioner

Ms. Sonali Das

....for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. The petitioner filed a proceeding for restitution of conjugal rights on September 3, 2021. The First Information Report (FIR) was registered on December 13, 2021 in respect of the alleged incident of September 3, 2021.

Learned advocate appearing for the State draws the attention of the Court to the injury report of the victim i.e. the de-facto complainant.

The doctor in the injury report of the de-facto complainant states that, he did not find any external injury.

Considering the fact that there was previous proceeding for Restitution of Conjugal Rights and considering the delay in lodgment of the FIR and considering the injury report of the de-facto complainant, 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 meet the Investigating Officer once in 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.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)