

16.03.2022

07

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1243 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kalyani** Police Station Case No. **230** of **2021** dated **27.09.2021** under Sections 498A/323/325/354/506/34 of the Indian Penal Code.

And

In Re : Prabin Kumar Biswas

..... petitioner

Ms. Minoti Gomes

....for the petitioner

Mr. Debabrata Chatterjee

Ms. Manisha Sharma

....for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. The petitioner is ready and willing to pay monthly maintenance of Rs.18,000/- to his wife, who is the de-facto complainant. She submits that, payment shall be made commencing from the month of March, 2022 and will be paid within 15th of each month. For the month of March, 2022, it would be paid by March 25, 2022. She submits that, the payment should be made subject to any proceedings that may be initiated for fixing the quantum of maintenance payable, if any.

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

Considering the gravity of the offence and the involvement of the petitioner therein and considering the stand of the petitioner with regard to the payment of maintenance, we deem it appropriate to enlarge the petitioner on 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, 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 fortnight till the conclusion of the investigation and on condition that the petitioner shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

The petitioner will, however, pay maintenance Rs.18,000/- per month to the de-facto complainant month by month commencing from the month of March, 2022. Payment for the month of March, 2022 will be made by March 25, 2022. The payments on and from the month of April, 2022 will be

made from 15th of each month. The payments made will be subject to any order that may be passed by an appropriate forum with regard to the maintenance, if any, that is to be received by the de-facto complainant, from the petitioner.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)