

5 & 18.04.2022
8
(AD) Court No.29
(Allowed)

C.R.M. (A)1692 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Palashipara** P.S. Case No.**121 of 2022** dated **02/04/2022** under Sections **498A/307/313/34** of the Indian Penal Code.

And

In the matter of: Ashim Dutta & Anr.

....petitioners.

Mr. Rudradipta Nandy
Mr. Asraf Mandal

...for the petitioners.

Mr. Sudip Kumar

...for the State.

Mr. Atis Kumar Biswas
Mr. Amit Singh
Ms. Jyoti Agarwal

... for the de facto complainant.

With

C.R.M. (A)1701 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Palashipara** P.S. Case No.**121 of 2022** dated **02/04/2022** under Sections **498A/307/313/34** of the Indian Penal Code.

And

In the matter of: Alok Dutta

....petitioner.

Mr. Rudradipta Nandy
Mr. Asraf Mandal

...for the petitioner.

Mr. Debabrata Chatterjee, Ld. APP
Ms. Mausumi Sarkar

...for the State.

Mr. Atis Kumar Biswas
Mr. Amit Singh
Ms. Jyoti Agarwal

... for the de facto complainant.

Two applications for anticipatory bail are taken up for

analogous hearing as they emanate out of the two complaints lodged by the same de facto complainant.

Learned Advocate appearing for the petitioners in both the applications submits that the petitioners were falsely implicated. He submits that Alok Dutta is the husband of the de facto complainant. Alok Dutta filed proceedings for restitution of conjugal rights against the de facto complainant much prior in point of time that the two police complaints which were subsequently lodged as a counter-blast to such proceedings. He submits that the police complaint being Palashipara Police Station Case No.121 of 2022 dated April 2, 2022 was registered subsequent to the order passed under Section 156(3) of the Code of Criminal Procedure. He submits that there are no materials to sustain the allegations either in Sections 307 or 313. The provisions of Section 498A were incorporated as a counter-blast to the application for restitution of conjugal rights. He submits that the alleged acid attack is claimed to occur on April 8, 2022. There is no evidence of the acid attack. The First Information Report was registered on April 12, 2022.

Learned Advocates appearing for the State in the two matters draws the attention of the Court to the materials in the case diary and to the statement recorded under Section 164 of the Code of Criminal Procedure of the victim in respect of Palashipara Police Station Case No.121 of 2022 dated April 2, 2022.

Learned Advocate appearing for the de facto complainant in both the applications submits that the de facto complainant

suffered cigarette burn injuries. The de facto complainant was made to undergo an abortion. There was an acid attack on the de facto complainant.

The application for restitution of conjugal rights filed by Alok Dutta is prior in point of time that the first police case, Palashipara Police Station Case No.121 of 2022 dated April 2, 2022, which was instituted subsequent to the order passed by the Magistrate under Section 156(3) of the Code of Criminal Procedure. The second police complaint relating to acid attack was registered on April 12, 2022 in respect of an incident of April 8, 2022 with the de facto complainant sending such complaint by post on April 9, 2022.

In the facts of the present case, the possibility of the petitioners in both the applications being proceeded against as a counter-blast to the application for restitution of conjugal rights cannot be excluded at this stage. Consequently, we grant anticipatory bail to the petitioners in both the applications.

Accordingly, we direct that in the event of arrest, the petitioners in both the applications shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of like amount each to the satisfaction of the Arresting Officer and also 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 no.1, namely, Ashim Dutta, in CRM (A) 1692 of 2022 and petitioner no.1, namely, Alok Dutta, in CRM (A) 1701 of 2022 will report before the Investigating Officer once a month till

the conclusion of the investigations and the petitioner no.2, namely, Kanika Dutta, in CRM (A) 1692 of 2022 will cooperate with the investigations till the conclusion of the investigations and on condition that all the petitioners 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 all the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayers for anticipatory bail of the petitioners in both the applications are allowed.

C.R.M. (A) 1692 of 2022 and **C.R.M. (A) 1701 of 2022** are disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)