

8 21.04.2022
(AD) Court No.29
(Allowed)

C.R.M. (A) 1763 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Goghat** P.S. Case No.**69 of 2022** dated **20/03/2022** under Sections **498A/406** of the Indian Penal Code, 1860.

And

In the matter of: Prabir Mandi

....petitioner.

Mr. Niladri Sekhar Ghosh
Ms. Sampurna Chatterjee
Mr. Sourav Mondal

...for the petitioner.

Mr. Pravas Bhattacharji
Mr. Amanul Islam

... for the State.

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner instituted a matrimonial suit for dissolution of the marriage. The present police complaint was filed subsequent thereto as a counter-blast.

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

The de facto complainant did not suffer any injuries as transpiring from the materials in the case diary. The allegations are omnibus in nature. Moreover, the petitioner instituted a suit for divorce prior in point of time. The possibility of the present police complaint being a counter-blast to such matrimonial suit cannot be ruled out at this stage. Consequently, 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/- (Rupees Ten Thousand Only) 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 will report before the Investigating Officer once 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 petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 1763 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)