

28.04.2022

11

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1931 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Sonarpur** Police Station Case No. **510** of **2021** dated **02.07.2021** under Sections 498A/325/307/506 of the Indian Penal Code, 1860.

And

In Re : Indranil Roy

..... petitioner

Mr. Prosenjit Mukherjee

Ms. Poulomi Dutta

....for the petitioner

Mr. Debabrata Chatterjee

Ms. Sonali Das

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner is ready and willing to maintain his wife and child and pay a sum of Rs.30,000/- per month commencing from the month of June 1, 2021 till such time the quantum of maintenance is fixed by the appropriate forum. He submits that, proceeding under the Domestic Violence Act are pending where the quantum of maintenance may be fixed. The victim should not be prejudiced by the offer of payment made by the petitioner.

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

There is a child born out of a wedlock between the petitioner and the de-facto complainant.

Considering the gravity of the offence and the involvement of the petitioner therein as transpiring from the materials in the case diary and considering the offer of the petitioner to pay maintenance @ Rs.30,000/- per month commencing from June 1, 2021 till such time the quantum of maintenance is fixed by the appropriate forum, 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 month 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 petitioner will pay a sum of Rs.30,000/- per month as maintenance for his wife and child to his wife month by month commencing from the month of May, 2021. The first of such payment will be made within May 10, 2022 subsequent payment within 10th of every month. The arrears from the month of June 1, 2021 will be paid month by month within the 10th of every month on and from May 10,2022. This payment is wholly without prejudice to the rights and contentions of the private parties. The appropriate forum is at liberty to revise this maintenance as it deems appropriate. None of the observations made herein will prejudice any of the parties with regard to the quantum of maintenance directed to be paid by this order.

CRM(A) 1931 of 2022 is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)