

19.05.2022
Serial no. 03
[Dd]
(Anticipatory bail
Allowed)

CRM (A) 2204 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Daspur** Police Station Case No. **149** of **2022** dated **25.04.2022** under Sections **498A, 323, 325, 307 & 34** of the Indian Penal Code read with Sections **3 & 4** of the dowry Prohibition Act, 1961.

-And-

In the matter of : **Kamdev Maiti**

... .. Petitioner

Mr. Siddhartha Sarkar, Advocate
... .. *For the Petitioner*

Mr. S. S. Imam,
Mr. R. Jana, Advocates
... ..*For the State*

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that the present police complaint is a counter blast to the proceeding for restitution of conjugal right filed by the petitioner prior in point in time.

Learned advocate appearing for the State refers to the injury report. He submits that the medical documents of the victim are not there in the case diary.

Police complaint is of April 25, 2022. The complaint was lodged after 7 years of the marriage. There is a proceeding of restitution of conjugal right being Matrimonial Suit no. 49 of 2022 pending.

In such circumstances, we are inclined to 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 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 report before the Investigating Officer once in a week till the conclusion of the investigation and on further 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.

Prayer for anticipatory bail of the petitioner is **allowed.**

CRM (A) 2204 of 2022 is **disposed of.**

(Debangsu Basak, J.)

(Bivas Pattanayak, J.)