

06.06.2022.
55.
Ct.No.28
as
(Allowed).

C.R.M. (A) 2289 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Lake Town P. S. Case No.88 of 2022 dated 28.04.2022 under Sections 498A/323/406/506/34 of the Indian Penal Code.

In the matter of : Chandrakant Jeswani.

... Petitioner.

Mr. Anindya Lahiri,
Mr. Indrajit Debnath.

...for the Petitioner.

Ms. Amita Gaur.

.....for the State.

Ms. Riya Banerjee.

....for the de-facto complainant.

Heard the learned Advocates appearing for the parties.

It is submitted on behalf of the petitioner that there was a matrimonial dispute between the parties. A divorce proceeding was initiated. Subsequently, the parties started residing together from March, 2020. However, in September, 2021 due to misbehaviour by the de-facto complainant/wife, petitioner withdrew from her company. Thereafter, the instant criminal case has been registered.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail. She submits that the petitioner had been assaulted and was forced to take medicines which resulted in abortion of the child.

Learned Advocate appearing for the de-facto complainant/wife submits that on the pretext of resolution of

the matrimonial dispute, her client was compelled to take medicines which resulted in abortion.

We have considered the materials on record. A divorce proceeding had been initially instituted by and between the parties. During pendency of the divorce proceeding the parties started residing together. Subsequently, disputes surfaced and the parties again separated and criminal case had been registered. Statements recorded in the course of investigation show medicines were prescribed by the doctor in presence of both the parties. Allegation of administering medicines to the de-facto complainant/wife either by force or under false inducement requires to be assessed in the light of the aforesaid circumstances during trial.

In the backdrop of the aforesaid facts and circumstances of the case, we are of the opinion custodial interrogation of the petitioner is not necessary and he may be granted anticipatory bail subject to conditions.

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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner shall meet the Investigating Officer once in a week until further orders and on further condition that the

petitioner shall appear before the court below and pray for regular bail within four weeks from date.

This application for anticipatory bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)