

08.06.2022
tkm/ct 28
sl no. 130

C.R.M. (A) 2445 of 2022

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Chinsurah P.S case no. 62 of 2022 dated 7.2.2022 under sections 498A/406/420/308/307/354C/506/34 of the IPC
And

Allowed

In Re : Nani Kundu & Ors. petitioners

Mr. A Bera

..... for the petitioners

Mr. Arijit Ganguly
Ms. M Sharma

..... for the State

It is submitted on behalf of the petitioners that the de facto complainant-wife left the matrimonial home in August 2021 without justifiable cause. Her husband filed a suit for restitution of conjugal rights in December 2021. In retaliation, the present case has been registered implicating her husband and all in-laws including the petitioners.

Learned lawyer for the State opposes the prayer for anticipatory bail.

We have considered materials on record. Allegation of physical assault is not supported by medical evidence. It appears that the instant case is in retaliation to a matrimonial proceeding instituted by the husband of de facto complainant-wife.

Keeping in mind the facts and circumstances of the case, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- each 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.

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

The application being CRM (A) 2445 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)