

10.06.2022

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Allowed

C.R.M.(A) 2541 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Baguiati Police Station Case No. 74 of 2022 dated 06.03.2022 under Sections 498A/406/506/323/34 of the Indian Penal Code.

And

In Re : Krishna Kumar Rawat & Ors. petitioners

Mr. Sayantan Adhy

.....for the petitioners

Sk. Arif Hossain

....for the State

It is submitted by the learned Counsel appearing for the petitioners that the petitioner no. 1 is the husband and the petitioners no. 2, 3 and 4 are the in-laws of the victim housewife. Matrimonial dispute arose between the petitioner no. 1 and the de facto complainant/wife. She withdrew from her matrimonial home in December, 2020 and a matrimonial proceeding as well as custody application for minor child born to the couple was filed in February, 2022 by the petitioner no. 1. It is contended in retaliation, the present case has been lodged. It is further submitted that the petitioner has cooperated with investigation and streedhan articles have been recovered.

Learned Counsel appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. Allegations of torture are general and omnibus in nature. Instant case appears to be a counter-blast to the matrimonial proceeding lodged by petitioner no. 1. Petitioners have co-operated with investigating agency.

In view of the aforesaid facts, 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, 1973 and on condition that they shall appear before the court below and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)