

13.06.2022
Sl. No.106
akd
[ALLOWED]

C. R. M. (A) 2545 of 2022

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 06.06.2022 in connection with Haringhata Police Station Case No. 259 of 2021 dated 09.09.2021 under Sections 498A/307/34 of the Indian Penal Code.

And

In Re: **Manilal Mondal**

... .. Petitioner

Mrs. Karabi Roy

... .. for the petitioner

Mr. Debabrata Chatterjee

Ms. Mousumi Sarkar

Ms. Sonali Das

... .. for the State

It is submitted on behalf of the petitioner that the de-facto complainant housewife left the matrimonial home and *stridhan* articles had been returned. She aborted the unborn child of the couple. Thereafter, she has falsely implicated the petitioner.

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

We have considered the materials on record. Statement of de-facto complainant housewife shows she was residing separately and articles have been returned. Allegation of resumption of matrimonial relationship and subsequent assault requires to be assessed in the light of the aforesaid facts and as the injuries noted in the medical papers are simple, we are of the opinion custodial interrogation of the accused/petitioner may not be necessary in the facts of the present case and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely **Manilal Mondal**, 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 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 appear before the court below and pray for regular bail within four weeks from date.

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

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)