

17.06.2022
Sl. No.153
akd
[ALLOWED]

C. R. M. (A) 2847 of 2022

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 09.06.2022 in connection with Chinsurah Police Station Case No. 62 dated 07.02.2022 under Sections 498A/406/420/308/307/354C/506/34 of the Indian Penal Code.

And

In Re: **Rakesh Kundu**

... .. Petitioner

Mr. Ansuman Bera

... .. for the petitioner

Ms. Sonali Bhar

... .. for the State

It is submitted on behalf of the petitioner that he has been falsely implicated in the instant case.

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

We have considered the materials on record. Instant case appears to be in retaliation to a matrimonial proceeding instituted by the petitioner against the de-facto complainant wife. Allegation of physical assault is not supported by medical evidence. Under such circumstances, 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 **Rakesh Kundu**, 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.)