

10.08.2022

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 3828 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bhimpur** Police Station Case No. **283** of **2022** dated **17.07.2022** under Sections 498A/376/307/34 of the Indian Penal Code and Sections 3/ 4 of the Dowry Prohibition Act, 1961.

And

In Re : Suman Biswas & Ors.

..... petitioners

Mr. Sumanta Das

....for the petitioners

Mr. Debabrata Chatterjee

Mr. Santanu Chatterjee

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the petitioners were falsely implicated. The first petitioner as the husband issued a notice of divorce on June 27, 2022. Subsequent thereto, the police complaint was lodged.

Learned advocate appearing for the State draws the attention of the Court to the statement of the de-facto complainant recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.). He submits that, a seizure list was prepared on July 17, 2022. He draws the attention of the Court to the contents in the seizure list.

It is the contention of the petitioner that the de-facto complainant left the matrimonial home upon her refusal to stay

in the matrimonial house due to elderly parents. Consequently, the notice of divorce dated June 27, 2022 was issued.

Such claim of the petitioner cannot be relied upon in view of the materials in the case diary. One of the materials in the case diary is the seizure list, which was prepared on July 17, 2022, where the police seized a can of kerosene oil on the allegation that the petitioners attempted to pour kerosene oil upon the de-facto complainant to set her ablaze. The seizure was made when the de-facto was in her matrimonial home.

The seizure list, prima facie, establishes that the de-facto complainant was at her matrimonial home on July 17, 2022. The divorce notice dated June 27, 2022 was issued on the alleged ground of desertion.

Considering the facts and circumstances of the case and the materials in the case diary, the need for immediate custodial interrogation of the petitioners cannot be over looked.

In such circumstances, we are unable to grant anticipatory bail to the petitioners.

Accordingly, prayer for anticipatory bail of the petitioners is rejected and the application being CRM (A) 3828 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

