

16.08.2022

Sl.39

Court No.29

(AD)

(Allowed)

C.R.M. (A) 3921 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Suti** Police Station Case No. **262 of 2022** dated **11.05.2022** under Sections **498A/307/34** of the Indian Penal Code read with Sections **3/4** of Dowry Prohibition Act (Corresponding to G.R. Case No.1026/2022).

And

In the matter of: **Bidhan Chandra Mondal**

....petitioner.

Mr. Bitasok Banerjee

...for the petitioner.

Mr. Imran Ali

Mr. Mirza Firoj Ahmed Begg

...for the State.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. The love relationship between the petitioner and the de facto complainant turning sour and, therefore, the present police complaint.

Learned Advocate appearing for the State draws the attention of the Court to the statement of the de facto complainant recorded under Section 161 of the Code of Criminal Procedure.

The de facto complainant lodged a written complaint with the police on May 11, 2022. There, the de facto complainant claims that there was a demand for dowry, she was beaten up by the petitioner and attempt on a life was made, she became pregnant twice and there was an attempt to pour kerosene oil over body and set her ablaze.

In the statement recorded under Section 161 of the Code of Criminal Procedure, the de facto complainant claims that she was tortured and beaten up. The case diary does not contain any medical examination report of the de facto complainant. There are discrepancies between the allegations levelled against the petitioner in the written complaint of the de facto complainant dated May 11, 2022 and her statement recorded under Section 161 of the Code of Criminal Procedure again on May 11, 2022. There is no evidence in the case diary corroborating any of the allegations which the de facto complainant levelled against the petitioner.

In such circumstances, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will report before the Investigating Officer once a fortnight till the conclusion of the investigation and on condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the

petitioner is allowed.

C.R.M. (A) 3921 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)