

23.09.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 4551 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Burdwan Women** Police Station Case No. **403** of **2022** dated **21.08.2022** under Sections 498A/406 of the Indian Penal Code, 1860.

And

In Re : Sumanlal Kodialbail & Ors.

..... petitioners

Mr. Ayan Bhattacharya

Mr. Aditya Ratan Tiwari

Mr. Suman Majumdar

....for the petitioners

Mr. Subrata Bhattacharya

Mr. I. dutta

Mr. Suvojit Ghoshdastidar

....for the de-facto complainant

Mr. Rudradipta Nandy

Ms. Sonali Das

Mr. Subroto Roy

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the petitioners were falsely implicated. He refers to the order dated March 28, 2022 passed in CRM 8192 of 2021. He submits that, the present police complaint was lodged after the first petitioner was enlarged on anticipatory bail therein.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary.

Learned advocate appearing for the de-facto complainant submits that, 'stridhan articles' are yet to be returned.

This is the second police complaint at the behest of the de-facto complainant. In the earlier police complaint, the first petitioner was granted anticipatory bail on March 28, 2022 passed in CRM 8192 of 2021.

Apparently, the de-facto complainant and the first petitioner was married in the year 1997. Thereafter, the de-facto complainant eloped in the year 2019. The earlier police complaint was filed in 2021, in which, the first petitioner was enlarged on anticipatory bail. There, a recording was made that, there is a police case in Gujarat where the de-facto complainant stated that she left voluntarily with all her belongings. In such circumstances, issue of false implication cannot be overlooked.

In such circumstances, we 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 further condition that the petitioners shall meet the Investigating Officer as and when called for till the conclusion of the investigation and on

condition that the petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)