

30.09.2022.

69.

AD/KC

(Allowed).

C.R.M. (A) 4820 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bolpur P. S. Case No.113 of 2022** dated **29.04.2022** under Sections **498A/313/323/307/342/506/34** of the Indian Penal Code, 1860 and **3 & 4** of the Dowry Prohibition Act.

In the matter of : Kalpana Dey & Ors.

... Petitioners.

Mr. Subrata Bhattacharjya

...for the Petitioners.

Mr. Imran Ali

Ms. Debjani Sahu

.....for the State.

It is submitted on behalf of the petitioners there was a matrimonial dispute. A divorce suit was filed by the petitioner no.2-husband. In retaliation, the present case has been registered.

Learned lawyer for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. Allegation of torture requires to be assessed in the light of the submission that the case was registered in retaliation to a divorce suit filed by the petitioner no.2-husband. Allegation of physical assault and miscarriage is not supported by medial papers. Under such circumstances, we are inclined to grant anticipatory bail to the petitioners subject to condition.

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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner no.2 shall meet the Investigating Officer once a week until further orders and on further condition that the petitioners shall appear before the trial court and pray for regular bail within a period of four weeks from date.

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

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)