

23.11.2022
05
Ct. No. 29
KAUSHIK
REJECTED

C.R.M.(A) 5214 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Keshpur** Police Station Case No. **188** of **2022** dated **16.08.2022** under Sections 498A/354/307/376/506 of the Indian Penal Code, 1860 and Sections 3/ 4 of the Dowry Prohibition Act.

And

In Re : Balaknath Bhunia

..... petitioner

Mr. Soumyajit Das Mahapatra
....for the petitioner

Mr. Joydip Roy
Mr. Asif Dewan
....for the State

The application for anticipatory bail is taken up for consideration subsequent to the order dated November 17, 2022.

On such date, the petitioner claimed that, the de-facto complainant and the husband were living together peacefully.

Consequently, upon such claim being made in Court, a request was made to the police to submit a report on the next date. The police were directed not to take any coercive measures against the petitioner.

Today, learned advocate for the petitioner submits that, the contention of the petitioner on such date was incorrect. In fact, there is a proceeding for mutual divorce between the de-facto complainant and her husband.

Learned advocate appearing for the State submits a report, which be taken on record. He refers to the statement of the de-facto complainant recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.) and contains that, the petitioner herein stands implicated.

There are materials in the case diary, which implicates the petitioner. The 164 Cr.P.C. statement of the de-facto complainant implicates the petitioner.

In such circumstances, need for custodial interrogation of the petitioner cannot be overlooked. Consequently, we are unable to grant anticipatory bail to the petitioner.

Accordingly, prayer for anticipatory bail of the petitioner is rejected and the application being CRM (A) 5214 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)