

23.11.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 5347 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Keshiary** Police Station Case No. **119** of **2022** dated **17.04.2022** under Sections 498A/323/307/354/34 of the Indian Penal Code, 1860 read with Sections 3/ 4 of the Dowry Prohibition Act.

And

In Re : Sanjoy Dakua

..... petitioner

Mr. Arindam Jana
Mr. Soumajit Chatterjee
....for the petitioner

Mr. Pradip Paul
Mr. Gourab Ghosh
....for the de-facto complainant

Mr. Bidyut Kumar Roy
Ms. Sima Biswas
....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner is a school teacher of a government school. The petitioner is drawing salary in excess of Rs.57,000/-. There is a loan for which, a deduction of about 23,000/- is being made per month. The petitioner is ready and willing to pay a sum of Rs.12,500/- per month as maintenance to the de-facto complainant. He submits that, allowing the petitioner to be taken into custody and thereby making the petitioner suffer a

suspension in his service, will not enure the benefit of any person. The petitioner is ready and willing to pay maintenance.

State and the de-facto complainant are represented.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that, the police complaint was lodged within three years of marriage.

Learned advocate appearing for the de-facto complainant submits, on instruction, that the de-facto complainant is ready and willing to receive the maintenance subject to the quantum of maintenance being fixed by an appropriate forum.

The petitioner is a school teacher in a government school. Arrest of the petitioner will visit the petitioner with consequences. There are materials in the case diary, which otherwise implicates the petitioner. The police complaint was lodged within three years of marriage. Therefore, in order to balance the conflicting interests, we deem it appropriate to enlarge the petitioner on anticipatory bail taking into consideration the offer of the petitioner to pay the maintenance presently at Rs.12,500/- per month to the de-facto complainant commencing from the month of November, 2022 and payable every subsequent month within the 15th of each month. The payment for the month of November, 2022 will be made by the end of this month.

It is placed on record that the learned advocate for the de-facto complainant made over the bank account details of the de-facto complainant to the learned advocate for the petitioner in Court. The petitioner will deposit the amount of maintenance in such bank account.

It is clarified that, the quantum of maintenance recorded in this order is an interim measure and can be altered by an appropriate forum in an appropriate proceedings.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 petitioner shall meet the Investigating Officer once a month 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)