

01.08.2022

Serial No.40

KS

CRM 11774 of 2019

In re: An Application under Section 439(2) of the Code of Criminal Procedure.

-And-

In the matter of: **Amrita Chatterjee nee Amrita Moulik**

... .. Petitioner

Mr. S. Mitter

..... For the Petitioner

Mr. Saswata Gopal Mukherjee

Mr. Arijit Ganguly

Mr. Sanjib Kumar Dan

.....For the State

Mr. Sourav Chatterjee

Mr. Koustav Bagchi

Mr. Debayan Ghosh

Ms. Priti Kar

.....For the O.P. No.2

The application is for cancellation of anticipatory bail granted on June 20, 2018.

Affidavit filed in Court be taken on record.

It appears from the records that anticipatory bail was granted on June 20, 2018 after recording the undertaking of the private opposite party to pay a sum of Rs.20,000/- per month for maintenance and well being of the de facto complainant and the minor child.

Apparently, the petitioner herein filed a proceeding under the Protection of Women from Domestic Violence Act on July 23, 2018. An order was passed in such proceedings on November 11,

2019 directing the private opposite party to pay a sum of Rs.4,500/- per month.

It is claimed by the private opposite party that they are paying in accordance with the order dated November 11, 2019. It is claimed on behalf of the petitioner that the private opposite party is not doing so.

Whether or not, the private opposite party is complying with the order dated November 11, 2019 is not an issue in these proceedings. The petitioner and the private opposite parties are at liberty to resolve such issue before the appropriate forum.

The petitioner herself approached the DV forum for maintenance and is therefore bound by this order of such forum.

There is an undertaking recorded in the order dated June 20, 2018 of the private opposite party. The private opposite party will comply with such undertaking till the date of the order dated November 11, 2019, if not already complied with. Such compliance be made within seven days from date.

We are find no ground to interfere with the order granted anticipatory bail to the private opposite party.

CRM 11774 of 2019 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

