

**25.11.2022**

Sl.21  
Court No.29  
(AD)  
(Allowed)

**C.R.M. (A) 5457 of 2022**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kandi** Police Station Case No. **474 of 2022** dated **24.08.2022** under Sections **498A/325/307/376/511/506/34** of the Indian Penal Code ( G.R. Case No.1434/2022).

And

In the matter of: **Madhusudan Ghosh & Anr.**

....petitioners.

Mr. Pratip Kumar Chatterjee

...for the petitioners.

Mr. Bidyut Kumar Roy

Ms. Rita Datta

...for the State.

Petitioners pray for anticipatory bail.

Learned Advocate appearing for the petitioners submits that the husband filed a proceeding for divorce earlier in point of time . A proceeding under Section 24 of the Code of Civil Procedure, 1908 was disposed of Yesterday. There is a proceeding under Section 125 of the Code of Criminal Procedure pending. Subsequently, the present police complaint was lodged roping in all the in-laws of the de facto complainant.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statements recorded under Section 164 of the Code of Criminal Procedure.

There is a suit for dissolution of marriage pending.

Such suit is prior in point of time. There is a proceeding under Section 125 of the Code of Criminal Procedure also pending.

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/- (Rupees Ten Thousand Only) 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 petitioners will report before the Investigating Officer once a month 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.

Accordingly, the prayer for anticipatory bail of the petitioners is allowed.

**C.R.M. (A) 5457 of 2022** is, thus, disposed of.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**