

13.12.2022
Serial no.14
Aloke

CRM (A) 5781 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Krishnaganj Police Station Case No. 423 of 2022 dated 23.10.2022 under Sections 498A/325/313/34 of the Indian Penal Code.

-And-

In the matter of : **Ashis Das**

... .. Petitioner

Ms. Minoti Gomes, Advocate
Mr. Amanul Islam, Advocate
Mr. Sourav Mukherjee, Advocate

... .. For the Petitioner

Ms. Kum Kum Mitra, Advocate

... ..For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. The petitioner lost 50% of the eyesight, therefore, the de facto complainant wanted to go back to her paternal home. An altercation took place and the de facto complainant fell down on the stairs.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case dairy.

The injury report of the de facto complainant states that there was no external injuries seen on her. She was asked to do ultrasonography.

The Court is informed that a child was born to the de facto complainant subsequent to the police complaint.

The statement of the de facto complainant recorded under Section 161 of the Code of Criminal Procedure does not suggest that there was a demand for dowry.

In such circumstances, we are inclined to grant anticipatory bail to the petitioner.

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), 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 condition that the petitioner will report before the Investigating Officer once in a month till the conclusion of the investigation and on further 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.

Prayer for anticipatory bail of the petitioner is allowed.

CRM (A) 5781 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)