

20.12.2022

Sl.5

Court No.29

(AD)

(Rejected)

C.R.M. (A) 5810 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gurguripal** Police Station Case No.**167** dated **29.09.2022** under Sections **498A/325/307/34** of the Indian Penal Code read with Sections **3/4** of the Dowry Prohibition Act giving rise to G.R. Case No.3131 of 2022.

And

In the matter of: **Rathikanta Senapati**

....petitioner.

Mr. Navanil De
Mr. Rajeshwar Chakraborty
Mr. Srinjan Ghosh
Mr. Subhrajit Dey
Ms. Monami Mukherjee

...for the petitioner.

Mr. Debabrata Chatterjee, Ld. APP
Mr. Santanu Chatterjee

...for the State.

Mr. Soumyajit Das Mahapatra

... for the de facto complainant.

The application for anticipatory bail is taken up for consideration subsequent to the order dated December 19, 2022.

The application for anticipatory bail initially taken up for consideration on December 14, 2022.

Perusing the materials in the case diary, we observed in Court that, the de facto complainant should be examined by a doctor in order to produce the medical evidence to corroborate her statement, if there be any.

The de facto complainant was examined by a doctor on December 15, 2022 wherein, such doctor opined that no visible burn injury or mark was seen on neck region and left elbow on December 15, 2022 at 11:30 A.M.

The matter was taken up for consideration on December 19, 2022.

Faced with such injury report, the learned Advocate appearing for the de facto complainant produced a photograph of the de facto complainant claiming that such photograph evidenced injury mark on the left elbow of the de facto complainant.

We took the photograph on record. We directed a fresh examination of the de facto complainant by a medical practitioner.

The de facto complainant was examined by the Block Medical Officer, Health, on December 19, 2022.

Such doctor, on examination, stated that there were scar marks over left side of neck and two old scar marks over left elbow of the de facto complainant. Wounds were healthy at present. It could not elicit whether the wounds were due to burn injury or any other means.

It is contended on behalf of the petitioner that, the delay in the lodgment of the first information report was not adequately explained. The injuries born out from the medical examination reports do not attract the provisions of Section 307 of the Indian Penal Code, 1860.

The petitioner is the husband of the de facto complainant.

The police complaint was lodged within five years of marriage.

The allegations are that, the petitioner used to inflict cigarette burn injuries on the de facto complainant.

Medical evidence presently available tends corroborates such claim of the de facto complainant.

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, the prayer for anticipatory bail of the petitioner is rejected.

C.R.M. (A) 5810 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)