

24.01.2023

Sl.13
Court No.29
(AD)
(Allowed)

C.R.M. (A) 313 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tehatta** Police Station Case No. **1016 of 2022** dated **14.11.2022** under Sections **498A/323/307/34** of the Indian Penal Code, 1860.

And

In the matter of: **Brajen Ghosh**

....petitioner.

Mr. Atis Kumar Biswas

Mr. Amit Singh

Ms. Jyoti Agarwal

...for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld. PP

Mr. Imran Ali

Ms. Debjani Sahu

...for the State.

Petitioner prays for anticipatory bail.

The police complaint was lodged after eleven years of marriage and after two months of the incident.

The statement of the de facto complainant and the statement of the neighbours who speaks of assault on the de facto complainant are not corroborated by any medical evidence.

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

Accordingly, we direct that in the event of arrest, the petitioner 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 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 as and when

called for 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.

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

C.R.M. (A) 313 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)