

03.02.2023
Serial no. 16
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 471 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Asansol (Women)** Police Station Case No. **102** of **2022** dated **26.11.2022** under Sections **498A/ 323/ 354B/ 307/ 406/ 34/506** of the Indian Penal Code and Sections **3 & 4** of Dowry Prohibitions Act. **-And-**

In the matter of : **Kaushik Gangopadhyay**
... .. Petitioner

Mr. Kunal Ganguly, Advocate
... .. *For the Petitioner*

Mr. Bidyut Kr. Roy,
Ms. Rita Datta, Advocates
... ..*For the State*

Petitioner prays for anticipatory bail.

Petitioner is the husband of the de facto complainant.

Apparently, there is an agreement in writing between the husband and the de facto complainant which records the parting ways of the husband and the de facto complainant with the petitioner being required to pay maintenance as stipulated.

Apparently, the petitioner and the de facto complainant were living separately.

The police complaint was lodged six years after the marriage.

A period in excess of seven months expired between the agreement in writing entered into between the petitioner and the de facto complainant and the lodgment of the first information report.

In such circumstances, we do not find any need for custodial interrogation of the petitioner.

Consequently, we are inclined to 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 also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall 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) 471 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)