

06.02.2023

Court No.29
Item No.46
(Allowed)

CRM (A) 514 of 2023

Saswata

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Baduria Police Station Case No. 03 of 2023 dated 02.01.2023 under Sections 498A/323/325/406 of the Indian Penal Code;
And

In the matter of : **Prosad Ghosh**

...Petitioner

Mr. S.S.Roy
Mr. Debapriya Samanta

...For the Petitioner

Mr. Sudip Kumar

...For the State

The petitioner prays for anticipatory bail.

Learned advocate for the petitioner submits, that the petitioner was falsely implicated. The wife of the petitioner left the matrimonial home voluntarily. A missing diary was lodged. The case was transferred to the CID, West Bengal. The wife was recovered from another person. Thereafter, the present police complaint was lodged by the mother of the wife.

Learned advocate for the State draws the attention of this Court to the materials in the case diary. The wife of the petitioner was recovered from a person. Such person recorded a statement under Section 161 of the Code of Criminal Procedure, claiming that the wife of the petitioner went and stayed voluntarily with such person.

In such circumstances, considering the gravity of the offence and the involvement of the petitioner, we grant anticipatory bail to the petitioner.

The prayer for anticipatory bail is, thus, ***allowed***.

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 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 meet the Investigating Officer as and when called for till completion of the investigation.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)