

20.03.2023

Sl.4
Court No.29
(AD)
(Allowed)

C.R.M. (A) 960 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Banshihari** Police Station Case No.**263 of 2022** dated **18.10.2022** under Sections **498A/323/313** of the Indian Penal Code.

And

In the matter of: **Sadhan Chandra Mondal**

....petitioner.

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

... for the petitioner.

Mr. Sudip Kumar

...for the State.

Petitioner prays for anticipatory bail.

By an order dated March 13, 2023, we recorded the statement on behalf of the petitioner that, the petitioner was ready and willing to pay 1/3rd of the salary to the de facto complainant as maintenance. Consequent upon such statement being made, we requested the State to inform the de facto complainant as to the pendency of the application for anticipatory bail.

Learned Advocate appearing for the State submits that, the police tried to intimate the de facto complainant of the order of the High Court. The de facto complainant refused to receive the same.

The materials in the case diary does not suggest requirement of custodial interrogation of the petitioner.

The claim of abortion remains unsubstantiated presently from the materials available in the case diary.

The issue of maintenance may be adjudicated upon by the appropriate forum.

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 once a month 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) 960 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)