

12.04.2023
Sl.8
Court No.29
(AD)
(Allowed)

C.R.M. (A) 1520 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Patuli** Police Station Case No.**38 of 2023** dated **04.02.2023** under Sections **498A/406/377/376B/307** of the Indian Penal Code, 1860, together with **3 & 4** of Dowry Prohibition Act.

And

In the matter of: **Dipanjan Bhattacharya**

....petitioner.

Mr. Amitabha Ghosh

... for the petitioner.

Mr. Saswata Gopal Mukherji, Ld. PP

Ms. Faria Hossain

Ms. Baisali Basu

...for the State.

Mr. Soumalya Ganguli

... for the de facto complainant.

Petitioner prays for anticipatory bail.

Petitioner, State and the de facto complainant are represented.

The police complaint was lodged eight years after marriage.

A written complaint was submitted with the police by the de facto complainant on January 31, 2023, on the basis of which, police registered a First Information Report on February 4, 2023, *inter alia*, under Sections 498A/406/377/376B/307 of the Indian Penal Code, 1860.

There is an injury report and medico legal examination report of the de facto complainant.

In our understanding, at the present moment, injuries as noted and the materials available in the case diary do not tend to support the allegations of 307/377/376B of the Indian Penal Code, 1860 as against the petitioner.

There is a statement recorded under Section 164 of the Code

of Criminal Procedure by the de facto complainant subsequent to the lodgment of the First Information Report. There also ingredients of such sections are not alluded to or at least does not appear therefrom.

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) 1520 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)