

09.06.2023

Sl. 7

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 1599 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with G.R Case No. **716** of **2023** pending before the Chief Judicial Magistrate, Malda, arising out of **Mothabari** Police Station Case No. **35** of **2023** dated **06.02.2023** under Sections **498A/323/325/307** of the Indian Penal Code, 1860 read with Sections **3/4** of Dowry Prohibition Act.

And

In the matter of: **Ranjit Saha**

....petitioner.

Mr. Tapan Datta Gupta

Mr. Parvej Anam

...for the petitioner.

Mr. Imran Ali

Ms. Debjani Sahu

...for the State.

1. Heard learned Counsel for the parties.
2. The petitioner is the husband of the informant.
3. Considered the materials placed by the learned Counsel for the parties including the statement of the witnesses and the victim. The allegation regarding mental and physical torture and harassment is omnibus in nature. There is no external injury on the person of the informant as found from the injury report.
4. The investigation is stated to have progressed substantially.
5. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, substantial progress in the investigation and the fact that in a matrimonial dispute, there is always hope of compromise and unnecessary incarceration of husband or his family members frustrates such hope, it is directed that the petitioner shall be released on bail in the event of his arrest by the Arresting

Officer on such terms and conditions as deemed just and proper in the facts and circumstances of the case in Connection with Mothabari Police Station Case No. 35 of 2023 dated 06.02.2023 including the condition that petitioner shall appear before the I.O. once in a fortnight on the day and time fixed by the I.O. till the submission of Final Form.

6. Within three weeks of the receipt of server copy or certified copy of this order, the petitioner is directed to appear before the I.O along with a copy of this order.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being **CRM (A) 1599 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

