

24.04.2023

13

Ct. No. 29

CHC

Rejected

C.R.M.(A) 1719 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bantra** Police Station Case No. **35** of **2023** dated **23.02.2023** under Sections **498A/406/376/307/34** of the Indian Penal Code, 1860 read with Sections **3** and **4** of the Dowry Prohibition Act, 1961.

And

In the matter of : Apurba Srimani

..... petitioner

Mr. Prabal Kr. Mukherjee, Ld. Senior Advocate

Mr. Shuvanil Chakraborty

....for the petitioner

Mr. Swapan Banerjee,

Ms. Purnima Ghosh

....for the State

Petitioner is the husband.

Police complaint was filed within seven years of marriage.

There is a child born out of wedlock who recorded statement under Section 164 of the Criminal Procedure Code.

In such statement, child implicates the petitioner in assault on the de facto complainant.

Such statement of child stands corroborated by statement of neighbours recorded under Section 161 of the Criminal Procedure Code, which stated that, they used to hear commotion in the flat which was matrimonial home of the de facto complainant. They also spoke of assault.

Considering the gravity of the offence and the involvement of the petitioner in the incident, we are unable to grant anticipatory bail to the petitioner.

CRM (A) 1719 of 2023 is rejected.

(Debangsu Basak, J.)

(Rai Chattopadhyay, J.)