

25.07.2023
SL. 40
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 2662 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **English Bazar Women** Police Station Case No. **86 of 2023** dated **28.04.2023** under Sections **498A/323/506/34** of the IPC.

And

In the matter of: **Prasanta Biswas**

....petitioner.

Mr. Uday Sankar Chattopadhyay
Ms. Trisha Rakshit
Ms. Rajashree Tah

...for the petitioner.

Mr. Sujoy Sarkar
Mr. Mushraf Alam

...for the de facto complainant.

Mr. S. S. Imam
Mr. R. Jana

...for the State.

1. Heard learned Counsel for both the parties.
2. The victim wife is stated to have sustained fracture of fourth metacarpal of right hand. The statement of the witnesses shows that the petitioner had assaulted his wife during scuffle between them by fist blows. The petitioner is stated to have filed a petition for restitution of conjugal rights since the month of March, 2023. This FIR has been lodged in the month of April, 2023. Investigation is stated to have progressed substantially.
3. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, genesis of events, nature of injury as discussed (Supra) and substantial progress in investigation, it is directed that the petitioner shall be released on bail by the Arresting Officer in the event of his arrest in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions that i)

the petitioner is directed appear before the I.O. once in a week on the day and time fixed by the I.O. for the purpose of investigation till submission of F.F.; ii) the petitioner shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.

4. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
5. Within 21 days from today the petitioner shall appear before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.
5. Accordingly, the prayer for the anticipatory bail is allowed.
6. The application being **CRM (A) 2662 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

