

12.07.2023
(D/L 25)
Ct. No.29
Allowed
(SKB)

CRM (A) 2725 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Bhadreswar P.S. Case No.288 of 2023 dated 19.06.2023 under Sections 498A/494/326/376 of the Indian Penal Code.

In the matter of : Susanta Nandi

... Petitioner

Mr. Bitasok Banerjee

... for the petitioner

Mr. B. K. Roy,
Ms. Sima Biswas

... for the State

1. Learned counsel for the petitioner is allowed to make necessary correction in the cause title to incorporate the new offence added to the charge by the police, in court today.
2. Heard the learned Counsel for the parties.
3. The petitioner is alleged to have contacted a second marriage when proceeding for divorce is pending in respect of the first marriage. From the statement of the victim it is found that both the petitioner and the victim were living like man and wife after marriage took place between them and in course of such relationship, the petitioner is alleged to have assaulted the victim. From the injury report, however, we do not find any *prima facie* offence under Section 326 IPC (our view is tentative on the basis of police papers and learned trial court is not to

be influenced by such view). In view of the statement of the victim, offence under Section 376 of the IPC *per se* is also not made out.

4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation and substantial progress in the investigation, it is directed that the petitioner shall be released on bail in the event of his arrest by the Arresting Officer in the aforesaid police station case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the condition that the petitioner shall appear before the I.O. once in a fortnight on the day and time fixed by the I.O. till submission of final form.
5. Accordingly, the prayer for the anticipatory bail is allowed.
6. The application being CRM(A) 2725 of 2023 is disposed of.
7. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.

(Chitta Ranjan Dash, J.)

(Apurba Sinha Ray, J.)