

08.08.2023
ML. 117
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 2889 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Burrabazar** P.S. Case No. **163 of 2020** dated **31.07.2020** under Sections **498A/406/313/34** of the IPC and Sections **3/4** of the D.P. Act corresponding to G.R. Case No. **1077 of 2020** pending before the learned ACMM-I, Kolkata.

And

In the matter of: **Jyotish Pawar**

....petitioner.

Mr. Diprav Deb

...for the petitioner.

Mr. Saswata Gopal Mukherji, PP

Mr. Partha Pratim Das

Ms. Eshita Dutta

...for the State.

1. Heard learned Counsel for both the parties.
2. Liberty is given to the learned Counsel for the petitioner to correct the page No. 2 of the anticipatory bail application.
3. Charge-sheet in the case has already been filed. From the materials placed before us, we do not find any medical corroboration of the allegation regarding offence under Section 313 IPC against the petitioner, who is the husband of the informant wife.
4. Regard being had to facts and submissions, factum of permanent residence of the petitioner, nature of allegation, the fact that there is always hope of compromise in matrimonial disputes and such compromise is always in the interest of the family and society and completion of investigation, it is directed that the petitioner shall surrender before the learned Additional Chief Metropolitan Magistrate-I, Kolkata within 15 days from today in the G.R. case No. 1077 of 2020 arising out of aforesaid P.S. case. On his appearance and application for bail the petitioner shall be

released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.

5. The learned ACMM-I is directed to act upon the server copy of this order, if required.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being **CRM (A) 2889 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

