

09.08.2023
ML. 150
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 2928 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Lake** Police Station Case No. **135** dated **30.05.2023** under Sections **498A/406/506/34** of the IPC and Section **4** of the D.P. Act.

And

In the matter of: **Sudipta Saha**

....petitioner.

Mr. Kaushik Chatterjee
Mr. Sayak Majumder

...for the petitioner.

Mr. S. G. Mukherji
Mr. Aniket Mitra
Ms. Jonaki Saha

...for the State.

Mr. Samrat Choudhury
Mr. Soumya Kanti Nag

...for the de facto complainant.

1. Heard learned Counsel for both the parties.
2. The petitioner is the husband of the informant wife. The petitioner is stated to have complied with notice issued by the I.O. under Section 41A Cr.P.C.
3. Learned Counsel for the informant is very much vehement on recovery of some gold ornaments lying with the petitioner in Channai. At this stage, we do not find any jurisdiction to issue direction for 'Jima' of those gold ornaments in the hands of the informant wife when the entire matter is at nascent stage. The I.O. may, however, proceed in this regard in accordance with law.
4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of offence, 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

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.

5. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
6. 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.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being **CRM (A) 2928 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

