

10.08.2023
ML. 167
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 2949 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nabadwip** Police Station Case No. **319** of **2023** dated **17.06.2023** under Sections **498A/307/406/34** IPC.

And

In the matter of: **Surojit Debnath**

....petitioner.

Mr. Snehansu Majumder

...for the petitioner.

Mr. Saswata Gopal Mukherji, Ld. PP

Mr. Aniket Mitra

Ms. Jonaki Saha

...for the State.

Ms. Sibangi Chattopadhyay

... for the defacto complainant.

1. Heard learned Counsel for the parties.
2. From the materials on record, we do not find any injury that may attract the offence under Section 307 IPC *prima facie* against the present petitioner, who is the husband of the informant/wife. There is, however, allegation to the effect that the petitioner had pressed her neck.
3. Learned Counsel for the informant/wife is quite vehement on the point that as the victim is pregnant, she should be given some financial assistance and the dowry articles should be handed over to the informant.
4. We do not feel persuaded to pass the aforesaid order as a condition of bail at this stage.
5. Regard being had to the facts and submission, factum of permanent residence of the petitioner, nature of allegation, nature of injury as discussed (supra), 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 in the event of his arrest by the Arresting Officer 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 to appear before the I.O. once in a fortnight 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.
6. The petitioner is directed to appear before the I.O. within 21 days from today along with a server copy or certified copy of this order.
 7. Accordingly, the prayer for the anticipatory bail is allowed.
 8. The application being **CRM (A) 2949 of 2023** is disposed of.
 9. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

