

10.08.2023
(M/L 197)
Ct. No.29
Allowed
(SKB)

CRM (A) 2986 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Phoolbagan P.S. Case No.65 of 2023 dated 08.04.2023 under Sections 498A/406/506/326/427/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

In the matter of : Pankaj Bhageria

... Petitioner

Mr. Sourav Chatterjee,
Mr. Abhimunyu Banerjee,
Mr. Shivam Adhikary

... for the petitioner

Mr. Bidyut Roy,
Ms. Puspita Saha

... for the State

Mr. Sandipan Ganguly,
Ms. Priyanka Sarkar,
Mr. Anirban Ghosh

... for the defacto complainant

1. Heard the learned Counsel for the parties.
2. The petitioner is the husband of the informant wife.
Much argument is advanced regarding return of articles for which charge-sheet has been filed under Section 406 IPC but this court sitting in a jurisdiction of bail cannot go beyond the brief so far as recovery of 'stridhan' article is concerned.
3. From the injury report in respect of the victim, we find that she has sustained bruise mark on her left shoulder, right elbow and left knee which can be self-inflicted or

accidental also. There is allegation of giving of 30 slaps by the petitioner in a span of three days causing damage to the eardrum of the informant wife.

4. We are not expert on medical science but we certainly say that damage of eardrum may be due to many conditions and the allegation made may not be connected proximately to the alleged damage unless there is examination of an expert in court over the issue. Secondly, in this advanced medical age, the eardrum which is medically called tinpaning membrane can be repaired by surgery and is not a very serious medical condition.
5. In every case of quarrel between the husband and wife emotions fly high in the courtroom but we cannot certainly hang the husband for every wrong done to a wife. We can at best try to find that both can be restored to the matrimony and live peacefully in the interest of the society.
6. Regard being had to such facts and submissions, 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 completion of investigation, it is directed that the petitioner shall surrender before the learned ACJM, Sealdah in aforesaid P.S. case within 15

days from today. On his surrender and application for bail, he shall be released on bail by the aforesaid Court on such terms and conditions as deemed just and proper in the facts and circumstances of the case.

7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being CRM(A) 2986 of 2023 is disposed of.
9. The learned court below is hereby directed to act upon the server copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)