

C.R.M.(A) 3110 of 2023

In the matter of : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with English Bazar Women P.S. Case No. 18 of 2023 dated 28.01.2023 under sections 498A/313/323 of the Indian Penal Code.

And

In the matter of : Soumendra Banerjee

Mr. Amitabh Karmakar

Mr. Arup Kumar Bhowmick

... ... for the petitioner

Mr. Saswata Gopal Mukherjee

Mr. Aniket Mitra

Ms. Jonaki Saha

... ... for the State

Petitioner submits that the parties married 10 years ago.

There is matrimonial dispute. Allegation of miscarriage is out and out false. Petitioner prays for pre-arrest bail.

Learned lawyer for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. Medical papers placed before us was physical assault simplicitor. There is nothing to support allegation of miscarriage. Allegations of torture are general and omnibus.

In such circumstances, we are of the opinion that custodial interrogation is not necessary and we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct in the event of arrest the petitioner shall be released on bail upon furnishing a bond of

Rs. 10,000/- (Rupees ten thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall appear before the Court below and pray for regular bail within four weeks from date and on further condition that the petitioner shall meet the investigating officer once in a month.

This application for anticipatory bail is, thus, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)