

22-08-2023
Item no.330A
Subrata
Bhattacharyya

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

CRM(A) No.3135 of 2023
Aiyub Khan @ Ayub Khan
-vs-
The State of West Bengal

In Re: An application for anticipatory bail under **Section 438 CrPC** in connection with Ratua P.S. Case No.320 of 2023 (corresponding to GR Case No.1723 of 2023) dated June 19, 2023 under sections 498A/325/307 IPC

Mr. Soupal Chatterjee
Mr. Abhijit Mondal
Ms. Sucheta Banerjee ...for the petitioners

Mr. Pravas Bhattacharya
Ms. Kum Kum Mitra ... for the State

Mr. Avik Ghatak
Mr. Amit Ranjan Pati ...for the de facto complainant

1. Heard learned counsel for the parties.
2. The present petitioner is the husband of the victim. From the injury report produced before us it is found that the victim has suffered hairline fracture on her nose on account of alleged assault by the present petitioner, who is her husband.
3. Regard being had to the nature of injury sustained, we find no offence under section 307 IPC is made out at least prima facie, though offence under section 326 IPC is made out. Our view is, however, tentative on the basis of police report.
4. 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 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 including the condition that:

- (i) the petitioner is directed to appear before the IO once in a week on the day and time fixed by the IO for the purpose of investigation till submission of Final Form.
 - (ii) the petitioner shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.
4. Accordingly, the prayer for the anticipatory bail is allowed.
 5. Within 21 days from today petitioner is directed to appear before the IO along with a server copy or certified copy of this order.
 6. The application being CRM(A) No.3135 of 2023 is disposed of.
 7. The arresting officer is hereby directed to act upon the server copy or certified copy of this order.

[Chitta Ranjan Dash, J]

[Partha Sarathi Sen, J]

