

11.12.2023
(D/L 12)
Ct. No.29
(Allowed)
(SKB)

CRM (A) 3376 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Sabang P. S. Case No.140 dated 09.05.2023 under Sections 498A/323/307/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act (G.R. Case No.1606 of 2023).

In the matter of : Debdatta Maikap

... Petitioner

Mr. Navanil De,
Mr. Rajeshwar Chakraborty,
Mr. Srinjan Ghosh,
Mr. Subhrajit De,
Ms. Monami Mukherjee

... for the petitioner

Mr. Pravas Bhattacharya,
Mr. M. F. A. Begg

... for the State

Mr. Kalyan Ghosh,
Mr. Somnath Banerjee

... for the defacto complainant

1. Heard learned counsel for the parties.
2. From the materials as placed before us, we find from the case diary that admittedly in medical examination, the doctor found no external cut injury over the person of the victim wife though she is stated to be suffering from severe pain at her back and neck.
3. On the last occasion i.e. on 11th October, 2023 we tried our level best to amicably settle the matter between the parties considering the fact that the present case is an outcome of a matrimonial dispute. However, it is reported

that still there is allegation and counter-allegation by and between the parties.

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, nature of injury as discussed supra 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 G.R. Case No.1606 of 2023 arising out of the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
5. Accordingly, the prayer for the anticipatory bail is allowed.
6. Within 21 days from today petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.
7. The application being CRM(A) 3376 of 2023 is disposed of.
8. 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.)