

13.10.2023
D/L 26
Ct. No.25
(Allowed)
(SKB)

CRM (A) 4184 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Howrah P. S. Case No.405 of 2022 dated 08.09.2022 under Sections 498A/325/307/406/195A of the Indian Penal Code (G.R. No.5072 of 2023).

In the matter of : Nitin Jaiswal

... Petitioner

Mr. Rajdeep Halder,
Ms. Puja Goswami

... for the petitioner

Mr. Debabrata Chatterjee, ld. APP
Mr. Santanu Chatterjee

... for the State

1. Heard learned counsel for the parties.
2. The present petitioner is the husband of the victim lady/informant. Though it has been alleged that the present petitioner made an attempt to strangle the informant by means of a rope but in the injury report of the victim, we find only a mild bruise mark over her neck. Admittedly, there are some allegations as against the present petitioner but, *prima facie*, those are found to be omnibus in nature.
3. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of offence, 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 G.R. No.5172 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 including the condition:

- i) 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 I.O. along with a server copy or certified copy of this order.
6. The applications being CRM(A) 4184 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.)