

10.10.2023

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Allowed

C.R.M. (A) No. 4333 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kharagpur Town Police Station Case No. 278 of 2023 dated 28.05.2023 under Sections 498A/323/448/ 354B/ 313/ 379/ 506/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

And

In Re : Durga Prasad Dixit @ Durga Parshad Dixit & Anr.. petitioners

Mr. Amit Ranjan Pati
Ms. Afreen Begum

.....for the petitioners

Mr. Sujan Chatterjee

....for the State

1. Learned Counsel for the petitioners submits they are husband and in-laws of the victim housewife respectively. Divorce proceeding was instituted by petitioner no. 1 against his wife. In retaliation, present case has been registered. They pray for anticipatory bail.

2. Learned Counsel appearing for the State opposes prayer for anticipatory bail and submits de facto complainant was subjected to torture at the matrimonial home. Petitioner no. 2, brother-in-law of the victim lady had given indecent proposals to her.

3. We have considered materials on record. The instant case arises out of a matrimonial dispute. Divorce proceeding was instituted by petitioner no. 1 against the de facto

complainant. Subsequently the present case has been registered. Allegation of misbehaviour of the petitioner no. 2 is bereft of material particulars with regard to date and time. Possibility of false implication owing to matrimonial discord cannot be ruled out. Accordingly, petitioners may be granted anticipatory bail.

4. Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners shall appear before the court below and pray for regular bail within a period of four weeks from date.

5. This application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)