

CRM (A) 6008 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Newtown Police Station Case No. 235 of 2022 dated 10.10.2022 under Sections 498A/323/307/379/506/34 of the Indian Penal Code.

-And-

In the matter of : **Debapratim Neogie & Anr.**

... .. Petitioners

Mr. Soumalya Ganguli, Advocate

... .. For the Petitioners

Mr. D. Chatterjee, Advocate

Ms. Debjani Dasgupta, Advocate

... ..For the State

Mr. Ayan Bhattacharya, Advocate

Mr. Ayan Chakraborty, Advocate

... .. For the de facto complainant

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that this is the third police complaint inter alia under Section 498A of the Indian Penal Code, 1860.

The present police complaint was lodged subsequent to a proceeding for divorce initiated by the petitioner no. 1 as also a proceeding under Section 107 of the Code of Criminal Procedure.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary.

Learned Advocate appearing for the de facto complainant submits that the petitioner no. 1 is in an illicit relationship with another person. There is child to look after also.

Learned Advocate appearing for the petitioners submits that petitioner no. 1 is paying alimony.

This is the third police complaint as against the petitioners. There is a divorce proceedings pending. The allegations are omnibus and general in nature..

In such circumstances, we are inclined to grant anticipatory bail to the petitioners.

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 petitioner no. 1 will report before the Investigating Officer as and when called for till the conclusion of the investigation and petitioner no. 2 will cooperate with the investigation till the conclusion of the investigation and on further condition that the petitioners shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioners is allowed.

CRM (A) 6008 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)