

18.01.2024
Item No.8
Ct. No. 29
CHC
Allowed

C.R.M.(A) 131 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Uttarpara** Police Station Case No. **438/2023** dated **05.12.2023** under Sections **498A/406/323/34** of the Indian Penal Code, 1860.
And

In the matter of : Debashis Dey

..... petitioner

Mr. Anand Kehari,
Ms. Sutapa Ghosh (Bose)
....for the petitioner

Mr. Shekhar Barman
....for the State

Petitioner seeks anticipatory bail.

Police complaint was lodged subsequent to an order passed under Section 156(3) of the Criminal Procedure Code.

Petitioner before us filed a matrimonial suit which was withdrawn on compromise.

Petitioner before us is the husband.

Petitioner and the de facto complainant resumed their conjugal life subsequent to the withdrawal of the previous matrimonial suit. Thereafter, matrimonial disputes resurfaced. Petitioner lodged a police complaint against the de facto complainant. It is only then, the present police complaint was lodged.

In such circumstances, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), 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 further condition that the petitioner will report before the Investigating Officer once in a month till the conclusion of investigation and on condition that the petitioner 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 petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

CRM(A) 131 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)