

06.03.2024
DL-2
Court No.29
(AD)
(Rejected)

C.R.M. (A) 767 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Durgapur Women** Police Station Case No. **07 of 2024** dated **27.01.2024** under Sections **498A/323/406/506/34** of the Indian Penal Code, 1860 and Sections **3/4** of the Dowry Prohibition Act, 1961. (G.R. Case No.162 of 2024).

And

In the matter of: **Deb Narayan Das & Anr.**

....petitioners.

Mr. Chinmoy Pal
Mr. Archan Dutta

... for the petitioners.

Mr. Koushik Kundu

... for the State.

Mr. Apalak Basu
Mr. Arkadipta Sengupta
Mr. Prashanta Kumar Ray

... for the de facto complainant.

Supplementary affidavit filed on behalf of the petitioners be taken on record.

Learned Advocate appearing for the petitioners submits that the de facto complainant left voluntarily the matrimonial home. In support of such contention, he relies upon certain photographs and a pen drive claimed to be containing a reel. He also submitted that there is an application for restitution of conjugal rights pending before the jurisdictional Court at Jamshedpur. He contends that the police complaint was filed subsequent to the filing of the application for restitution of conjugal rights.

De facto complainant is represented.

Learned Advocate appearing for the de facto complainant submits that de facto complainant was tortured at Mumbai where they were living as husband and wife. A police complaint was filed there. Such police complaint is of 2023. Subsequently, she was driven out from the matrimonial home.

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

The first police complaint apparently is at Jalgaon, Maharashtra and apparently first in point of time. The restitution application is second in point of time.

Petitioners did not allude to the first complaint that the de facto complainant lodged against her.

Petitioners allude to the present police complaint.

Apparently, there is a history of both physical and mental torture upon the de facto complainant. Demands for dowry were also made.

At least two police complaints were lodged including the present one.

Materials in the case diary suggest requirement of investigation.

Enlarging the petitioners on anticipatory bail may be inimical to such investigation.

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

Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

C.R.M. (A) 767 of 2024 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)