

02.04.2024

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S.D./A.D.

Allowed

C.R.M. (A) No. 970 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Krishnagar Kotwali Police Station Case No. 02 of 2024 dated 01.01.2024 under Section 498A/325/307/406/34 of the Indian Penal Code pending before the learned Chief Judicial Magistrate, Krishnanagar, Nadia.

And

In Re : Sreyan Kumar Biswas petitioner

Mr. Y.J. Dastoor

Mr. Debraj Shel

.....for the petitioner

Mr. Amanul Islam

Mr. Sourav Mukherjee

..for the defacto complainant

Mr. Binoy Panda

Ms. Sujata Ghosh

....for the State

1. Petitioner submits there is a matrimonial dispute between him and the wife.
2. Petitioner works in Tamil Nadu. Allegations of torture are out and out false. He prays for anticipatory bail.
3. Learned Lawyer for the State opposes the prayer for anticipatory bail. She contends victim-house wife was thrown out of the matrimonial home within five months of marriage.
4. Learned Lawyer for the defacto-complainant submits obscene pictures had been taken and she has been blackmailed.

5. We have considered the materials on record. We have also gone through the statement of the victim recorded under Section 164 Cr.P.C. She alleges after marriage, she resided with her husband, i.e. the petitioner at Tamil Nadu. She was tortured there. Thereafter she was brought back to Krishnanagar and assaulted again.
6. We have examined the medical papers. They do not disclose any external injury. With regard to the allegation of obscene pictures, we are of the opinion custodial interrogation for recovery of the mobile phone is not necessary.
7. Petitioner assures to hand over his mobile phone to the Investigating Agency for forensic analysis.
8. Under such circumstances, we are of the opinion petitioner may be granted anticipatory bail.
9. Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- 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 he shall appear before Jurisdictional Court below and pray for regular bail within a period of four weeks from date and on further condition that the petitioner shall meet the Investigating Officer on 5th of April, 2024 and hand over his mobile phone. Thereafter he shall meet the Investigating Officer as and when necessary.

10. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)