

02.04.2024

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S.D./A.D.

Allowed

C.R.M. (A) No. 1071 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Sainthia Police Station Case No. 284 of 2023 dated 26.10.2023 under Sections 498A/307/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act pending before the learned Chief Judicial Magistrate, Suri, Birbhum.

And

In Re : Gopinath Das petitioner

Mr. Uday Sankar Chattopadhyay

Ms. Trisha Rakshit

Ms. Aishwarya Datta

.....for the petitioner

Mr. Binoy Kumar Panda

Ms. Sonali Bhar

....for the State

1. Petitioner contends he is a member of the Indian Tibetan Border Force. He is presently posted at Jabbalpur in the State of Madhya Pradesh. He rarely visits his ancestral home where his wife resides. Marriage between the couple was solemnized in 2014. Due to mismatch domestic quarrels arose and he has been falsely implicated. He pays for anticipatory bail.
2. Learned Lawyer for the State submits that the petitioner had brutally assaulted his wife. He has illicit relationship.
3. We have considered the materials on record. It appears there is matrimonial discord between the couple. Petitioner used to reside at his place of work in

Jabalpur, Madhya Pradesh. Occasionally he visited his ancestral home where his wife used to reside. It is alleged after returning home, he had mercilessly assaulted his wife. However, medical report shows simple injury which does not corroborate the nature of accusation as transpiring from the statements of witnesses. Allegation regarding immoral conduct is also speculative.

4. Under such circumstances, we are of the opinion custodial interrogation for progress of investigation is not necessary and petitioner may be granted anticipatory bail.
5. 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 the Jurisdictional Court and pray for regular bail within a period of four weeks from date.
6. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)