

28.05.2024
Court No.8
Item. 22
(**Suwendu/**
Sandip)

CRM(A) 1886 OF 2024

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Matia Police Station Case No. 76 of 2024 dated 22.03.2024, having G.R. Case No. 1217 of 2024 under Sections 498A/325/328/506 of the Indian Penal Code, 1860 pending before the learned Sessions Judge, North 24 Parganas at Barasat.

And

In the matter of: Subrata Ghosh

.Petitioner.

Mr. Phiroze Edulji
Ms. Sanjana Saha

for the Petitioner.

Mr. Saibal Bapuli
Mr. Bitasok Banerjee

for the State.

1. Learned counsel appearing for the petitioner submits as follows. The petitioner is the husband of the victim in question. In 2021, the *de facto* complainant lodged an FIR under Sections 498A/313/406 of the Penal Code. In that case, the petitioner was granted anticipatory bail. Thereafter, the petitioner filed a suit for divorce. The *de facto* complainant also filed an application under Section 125 of the Code claiming maintenance. These two proceedings are pending. On 19th February, 2024 the petitioner’s father died. In such circumstance, the alleged victim came back to the petitioner’s house and started staying there. However, on 15th March, 2024 she alleged that the husband had forcibly poured phenyl into her mouth. She had to be hospitalized. Actually she herself consumed such liquid. The husband took her to hospital and made necessary arrangements for her treatment.

2. Learned counsel appearing for the State relies on the Case Diary and opposes the prayer for anticipatory bail.

3. In view of the fact that the dispute between the private parties are longstanding and there are proceedings pending between them and considering the statements made by the witnesses as contained in the Case Diary, we are inclined to allow the prayer for anticipatory bail.

4. We accordingly 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, one of whom must be local, to the satisfaction of the Arresting Officer and on further condition that the petitioner shall meet the Investigating Officer of the case twice a week until further orders.

5. This order is subject to the conditions as laid down in Section 438(2) of the Code.

6. CRM(A) 1886 of 2024 is accordingly allowed and disposed of.

(Uday Kumer, J.)

(Jay Sengupta, J.)

