

02.08.2024
SL No.5
Court No.29
(gc)
(Rejected)

CRM (A) 2017 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Gazole Police Station Case No.371 of 2024 dated 16.05.2024 under Sections 498A/324/307/506/34 of the Indian Penal Code.

And

In the matter of : **Debasish Barui**

- Petitioner.

Mr. Arup Kumar Bhowmick

....For the Petitioner.

Mr. Satadru Lahiri

....For the De facto Complainant.

Mr. Sanjay Bardhan,

Mr. Prakash Mishra

... For the State.

1. The petitioner is the husband. The learned Counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated.
2. The learned Counsel for the State has produced the case diary and submitted that since the petitioner is with his son in Bangalore for the treatment of his son, the statement under Section 164 of the Cr.P.C. cannot be recorded.
3. We have read the letter of complainant and the statement of the neighbours recorded under Section 161 of the Cr.P.C. There are, prima facie, evidence of mental and physical torture perpetrated upon the victim by the petitioner within five years of marriage and she has been driven out from the matrimonial

home with the child, we are not inclined to grant anticipatory bail to the petitioner.

4. Accordingly, the application for anticipatory bail is rejected.
5. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)