

04.07.2024
SL No.14
Court No.29
(gc)
(Allowed)

CRM (A) 2092 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Girish Park Police Station Case No.157 of 2023 dated 19.08.2023 under Sections 498A/406/313/506/34 of the Indian Penal Code.

And

In the matter of : **Ashis Burman**

- Petitioner.

Mr. Manjit Singh,
Mr. Sk. Sahid Hussain,
Ms. Tiya Mukherjee

....For the Petitioner.

Mr. Farooque Ali

....For the De facto Complainant.

Mr. Bidyut Roy,
Ms. Puspita Saha

.... For the State.

1. The learned Counsel for the petitioner submits that the matrimonial disputes between the parties have been amicably settled and the petitioner and de facto complainant have jointly filed an application under Section 28 of the Special Marriage Act for mutual divorce being Matrimonial Suit No.47 of 2024 before the learned Registrar, Family Court, Calcutta and the matter is fixed for disposal on 18th September, 2024.
2. The learned Counsel for the de facto complainant submits that the parties have agreed to mutually settle their disputes and the de facto complainant will have no objection in the event the prayer for anticipatory bail is allowed.
3. The de facto complainant is personally present in Court.

4. The learned Counsel for the State has produced the case diary and referred to the statement of the de facto complainant recorded under Section 161 of the Cr.P.C.
5. Considering the materials available in the case diary and having regard to the fact that the parties have mutually settled their disputes and the fact that the charge-sheet has already been filed, we are of the view that the custodial interrogation of the petitioner is not necessary.
6. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Ashis Burman**, shall be released on bail upon furnishing a bond of Rs.5,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. It is further directed that the petitioner shall appear before the learned Metropolitan Magistrate, 8th Court, Calcutta in connection with G.R. Case No.875 of 2023 and pray for regular bail within two weeks from date.
7. Accordingly, the application for anticipatory bail is disposed of.
8. 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.)