

Court No. 29
(266041)

CRM (A) 2634 of 2024

05.08.2024
(A 40)

(S. Banerjee)

(Allowed)

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Keshiary Police Station Case No. 98 of 2024 dated 28.05.2024 under Sections 498A/323/307/406/506 and 34 of the Indian Penal Code and Sections 3 and 4 of Dowry Prohibition Act, pending before the learned Additional Chief Judicial Magistrate at Kharagpur, Paschim Medinipur.

And

In the matter of: **Sri Santosh Bera**

...petitioner

Mr. Nanigopal Chakraborty

... for the petitioner

Ms. Ninoti Gomes

Mr. Atulya Sinha

... for the State

1. Heard learned counsel for the parties.
2. Learned counsel for the petitioner submits that the complainant has left the matrimonial home and prior to filing of this complaint, has filed an application for restitution of conjugal rights. She merely left to live a happy matrimonial life.
3. Learned counsel for the State in opposing the prayer has referred to the statement of the victim and the father of the victim to show that due to a relationship being developed with a second lady, the complainant was tortured by her husband.

4. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence and the medical report which shows that the injury is of simple in nature, we are of the view that custodial interrogation of the petitioner is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioner (Sri Santosh Bera) shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973, corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.
6. The petitioner shall cooperate with the investigation and meet the investigating officer once in a week till the filing of the final report and shall appear before the jurisdictional magistrate on each and every date of trial.
7. Accordingly, the application for anticipatory bail is allowed.
8. All parties shall act on the server copy of this order duly downloaded from the official website of this court.

(Uday Kumar, J.)

(Soumen Sen, J.)