

25.09.2024
Court No.29
Item No. 20

Allowed
sg

CRM (A) 3271 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS, in connection with A.J.C. Bose B. Garden Police Station Case No. 132 of 2024 dated 01.08.2024 under Sections 498A/325/506 of the Indian Penal Code read with Sections 3/4 of the D.P. Act, pending before the learned Chief Judicial Magistrate Howrah.

And

In Re: Gyanendra Singh Rathore & Ors.

Petitioners

Mr. Sujoy Sarkar
Mr. Prasun Mukherjee
Ms. Sneha Srivastava

For the Petitioners

Mr. Bidyut Kumar Roy
Mr. Tirthankar Dhali

For the State

Ms. Soma Chowdhury (Bandhu)
Mr. Amit Pareek
Ms. Bandana Maity

For the defacto complainant

1. The petitioners have complied with the notice under Section 35(3) of the B.N.S.S. as reported by the Investigating Officer.
2. The wife of the petitioner no.1 is the defacto complainant. She is presently residing with her child in her parents' house. It is stated that she has not received any maintenance since October 2023. It is submitted on behalf of the defacto complainant that she has initiated proceeding for maintenance.
3. The learned Counsel for the petitioners has submitted that various attempts have been made by the petitioners for reconciliation of marriage.
4. By consent of the parties, we refer the matrimonial dispute to mediation.

5. We direct the Secretary, Calcutta High Court Legal Services Committee, to appoint a Mediator at the earliest.
6. Parties have agreed to appear before the learned Mediator and have assured that they will cooperate with the mediation.
7. The learned Counsel for the parties are also requested to communicate this order to the Secretary, Mediation Centre for initiation of a mediation proceeding.
8. The learned Counsel for the petitioners has submitted that the petitioner no.1 is willing to pay a sum of Rs.1,00,000/- to the wife and the daughter towards maintenance without prejudice to his rights and contentions in the pending proceeding.
9. We appreciate such gesture.
10. It is submitted that the petitioner no.1 is residing at Bangalore and the petitioner nos. 2 and 3 are residing in Uttar Pradesh.
11. In the mediation preceding only the husband and the wife are required unless the learned Mediator decides the presence of the in-laws of the defacto complainant.
12. The learned Mediator may decide as to whether the mediation proceeding can be conducted physically or virtually. It is to be in the absolute discretion of the learned Mediator. The view of the child may also be obtained.
13. Should the learned Mediator decide the interaction of the child, we would suggest appointment of a Child Psychologist from the panel to assist the learned Mediator in resolving the dispute.
14. Having regard to the nature of the dispute and the fact that that the petitioners have cooperated with the investigation and both the parties are willing to

resolve their dispute through mediation, we are of the view that custodial interrogation of the present petitioners is not necessary.

15. Accordingly, we direct that in the event of arrest the petitioners namely, **Gyanendra Singh Rathore, Madhuri Devi Rathore @ Madhuri Kumari and Ashish Singh Rathore @ Ashish Singh**, shall be released on bail upon furnishing a bond of Rs.10,000/- each with two registered sureties of like amount each, to the satisfaction of Arresting Officer, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita. The petitioner no.1 shall meet the I.O. once in a fortnight and the petitioner nos. 2 and 3 shall meet the I.O. as and when required till the submission of the final report.
16. It has also been assured that the sum of Rs.1,00,000/- shall be paid within one week from date by way of bank transfer through RTGS/NEFT to the designated bank account of the defacto complainant to be supplied by the learned Advocate-on-Record of the petitioners by tomorrow (26-09-2024).
17. The I.O. is directed to expedite the investigation and conclude it at the earliest by filing a final report.
18. In the event the petitioners fail to comply with any of the conditions as mentioned above, the trial court shall be at liberty to cancel their bail in accordance with law without any further reference to this Court
19. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
20. The report submitted by the State in Court is taken on record.
21. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)