

04.11.2024
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as
[ALLOWED]

C. R. M. (A) 3498 of 2024

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Berhampore Police Station Case No. 1503 of 2023 dated 14.10.2023 under Sections 498A/307/376/511/506/34 of the Indian Penal Code.

In Re: XXXX.

... .. Petitioner

Mr. Jisan Iqubal Hossain.

... .. for the petitioners

Mrs. Subhasree Patel,
Mr. Dipankar Mahata.

... .. for the State

Ms. Suchismita Dutta.

...for the de-facto complainant.

1. Petitioner is the husband of the victim lady. He contends he and other in-laws have been falsely implicated over a domestic dispute. Allegation of assault is patently false. Accordingly, he prays for anticipatory bail.

2. Learned Advocate for the State opposes the prayer for anticipatory bail.

3. Learned Advocate for the de-facto complainant submits her client was tortured mentally and physically and thrown out of the matrimonial home. She is presently working as a domestic help at Bangalore.

4. We have considered the materials on record. We have perused the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. Allegation of physical torture is not supported by medical evidence. It is also bereft of any

specific date of occurrence. Allegation of attempt to rape is not levelled against petitioner-husband.

5. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.

6. Accordingly, we direct that in the event of arrest, the petitioner be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 482(2) of the BNSS. They shall appear before the court below and pray for regular bail within four weeks from date.

7. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)