

09.01.2024

Serial no. 198

Anticipatory bail

[Allowed]

Dd

CRM (A) 4700 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Nischinda** Police Station Case No. **101** of **2023** dated **05.06.2023** under Sections **498A/406/354/307/506/34** of the Indian Penal Code, 1860 together with Sections **3 & 4** DP Act.
(G.R. Case No. 3273 / 2023)*

-And-

*In the matter of : **Pritam Roy***

*... .. **Petitioner***

*Mr. Amitabha Ghosh,
Ms. Nubanita Chatterjee, Advocates
... .. For the Petitioner*

*Mr. Debabrata Chatterjee, APP
Mr. Santanu Chatterjee, Advocates
... ..For the State*

Petition is taken up for consideration subsequent to order dated October 17, 2023.

By such order, interim anticipatory bail was granted by the co-ordinate Bench.

It is submitted at the Bar that the co-ordinate Bench did not consider the materials in the case diary and passed such order in view of the ensuing Puja vacation.

We perused the materials in the case diary.

The police complaint was registered 10 years after marriage. The claim is one of physical assault and outraging the modesty of the victim.

The case diary does not contain injury report. It also does not contain any seizure list suggesting seizure of torn wearing garments.

There is an apparent disconnect between the statement recorded and the seizure made.

In such circumstances, we confirm the interim order granted on October 17, 2023.

Consequently, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall report before the Investigating Officer once in a month till the conclusion of the investigation and on further condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 4700 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)