

14.10.2024
AD 13
Court No.8
Suman/Saswata
(Allowed)

CRM (A) 3759 of 2024

In Re:- An application for anticipatory bail under section 432 of the Bharatiya Nagarik Suraksha Sanhita 2023 corresponding to erstwhile Section 438 of the Code of Criminal Procedure, 1973 filed in connection with Ramnagar Police Station Case No.258 of 2024, dated 03.06.2024 under Sections 498A/448/325/323/376/379/435/506/511/34 of Indian Penal Code, 1860.

And

In the matter of : **Husband of the victim**

- Petitioner.

Mr. Srinjoy Das
Mr. Arvind Kumar Singh
Ms. Jui Jana

... For the Petitioner.

Ms. S. Afreen
Mr. Tirupati Mukherjee

... For the State.

1. Learned advocate appearing for the petitioner has drawn the attention of this Court to the series of litigations pending between the present petitioner (and/or his family members) and the *de facto* complainant. To that effect, attention has been drawn to an earlier FIR being registered at Mandarmani Coastal Police Station under Sections 498A/34 of the Indian Penal Code, an application under Section 13 of the Hindu Marriage Act 1955 filed before the Learned Additional District Judge, 2nd Court at Contai which was subsequently dismissed for non prosecution filed at the behest of the *de facto* complainant, another application under Section 125 of the Cr.P.C. being Misc. Case no. 183 of 2019 pending before the Learned Additional Chief Judicial Magistrate, Contai and

subsequently the present FIR being Ramnagar Police Station case no. 258 of 2024 dated 03.06.2024 being registered at the behest of the *de facto* complainant.

2. Learned advocate appearing for the petitioner submits that having considered the series of litigations pending between the parties, it would be evident that the *de facto* complainant has a habit of foisting criminal cases and/or other litigations upon the present petitioner and/or his family members.
3. Learned advocate appearing for the State opposes the aforesaid contentions and submits that there are materials available in the case diary including the opinion of the medical expert as well as the statement of the victim under Section 164 of the Cr.P.C.
4. We have considered the materials available in the case diary as well as the submissions advanced by both the parties and we find that the Investigating Agency did not seize the wearing apparels of the *de facto* complainant and the same was not handed over by her. The matrimonial dispute has resulted in both criminal and civil cases being registered since the year 2019, i.e., immediately after 2 years of marriage.
5. Having regard to the series of litigations pending between the parties, we are of the view that custodial detention of the petitioner is unwarranted in the facts and circumstances of the case.
6. 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 subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure Code, corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that the petitioner shall meet the Investigating Officer once in a month till the conclusion of the investigation and on 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.

7. The application for anticipatory bail being CRM (A) 3759 of 2024 is thus allowed.
8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Uday Kumar, J.)

(Tirthankar Ghosh, J.)