

25 31.01.2024
(AD) Court No.29
(Allowed)

C.R.M. (A) 4943 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chakdah** P.S. Case No.**681 of 2023** dated **29/09/2023** under Sections **498(A)/354(A)/354(B)/354(D)/376/511/506/34** of the Indian Penal Code, 1860.

And

In the matter of: **Sanjoy Das @ Sanjay Das & Ors.**

....petitioners.

Ms. Minoti Gomes
Mr. Shibaji Kumar Das
Mr. D. Sarkar

...for the petitioners.

Mr. Tanmoy Kumar Ghosh, Ld. Sr. Government Advocate
Ms. Sonali Bhar

...for the State.

Supplementary affidavit filed in Court be taken on record.

Learned Advocate appearing for the petitioners submits that initially a proceedings for mutual divorce was filed where, such proceedings was compromised with the husband requiring to pay Rs.20 lacs. Husband paid such sum. Thereafter, the present police case was instituted fourteen years after marriage. Subsequent to the present police case, another complaint under Section 498A was instituted in which police seized all his articles.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement recorded under Section 164 of the Code of Criminal Procedure.

Supplementary affidavit discloses that, sum of Rs.20 lacs was paid towards the compromise arrived at in the mutual divorce proceedings.

There are two police complaints filed subsequently as against the petitioners with the present one being one of them.

Considering the materials in the case diary and considering the fact that the police complaint was lodged after about 13 years of marriage and considering the fact that the husband made over a sum of Rs.20 lacs to the de facto complainant and considering the fact that the de facto complainant was residing separately, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner nos.1,2 and 5 will report before the Investigating Officer as and when called for till the conclusion of the investigation and petitioner nos.3 and 4 will cooperate with the investigation till the conclusion of the investigation and on condition that the petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 4943 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)