

19.11.2024
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Allowed

C.R.M. (A) No. 3973 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Raiganj Woman Police Station Case No. 86 of 2024 dated 05.09.2024 under Sections 85/115(2)/109(1) of the BNS read with Sections 3/4 of the Dowry Prohibition Act.

And
In Re : Joyet Kumar petitioner

Ms Minoti Gomes
Ms. Sohini Adhikari
.....for the petitioner

Mr. Rahul Ganguly
....for the State

Mr. Sobhendu Sekhar Roy
Mr. Amarendra Chakraborty
..... for de facto complainant

1. Learned Counsel for the petitioner submits he is the husband of the victim lady. He used to work at Pune. Allegation of assault is by the parents-in-law at the matrimonial home. He was not present at that time and prays for anticipatory bail.

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

3. Learned Counsel for the *de facto complainant* submits petitioner/husband ill treated her at Pune. She was subsequently assaulted by her in-laws at her matrimonial home.

4. We have considered the materials on record. Allegation of cruelty by the petitioner at Pune is not supported by any contemporaneous complaint to police. On the other hand, victim continued to reside at her matrimonial home. Lastly, it is alleged she was assaulted by her in-laws. In-laws have been granted interim anticipatory bail. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.

5. Accordingly, we direct that in the event of arrest the petitioner shall 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 be subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on condition that he shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date.

6. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)