

25.11.2024

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[ALLOWED]

C. R. M. (A) 4089 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bardhaman Sardar Police Station Case No. 720 of 2024 dated 24.07.2024 under Sections 498A/306/120B of the Indian Penal Code.

In Re: **Goutam Chowdhury.**

... ... Petitioner

Mr. Subhrajit Chatterjee.

... ... for the petitioner

Mr. Sandip Chakraborty,

Mr. Mainak Gupta.

... ... for the State

1. Petitioner submits he is the husband of the victim lady. Incident occurred 16 years after marriage. He was not present at the time when his wife consumed poison. Accordingly, he prays for anticipatory bail.

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

3. We have considered the materials on record. We have seen the statements of the children of the couple. One of the children stated her mother talked with her father over phone. Thereafter, she became agitated and broke the phone and consumed poison. Whether the conduct of the victim was an impulsive one or a product of continued torture may be assessed at the appropriate stage of the proceeding. Incident occurred 16 years after marriage. Statutory presumptions under Section 113A and 113B of the Evidence Act (corresponding to Sections 117 of BSA and 118 of BSA) are not applicable to the facts of the present case.

4. Accordingly, we are inclined to grant anticipatory bail to him.

5. Accordingly, we direct that in the event of arrest, the petitioner viz., **Goutam Chowdhury** 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. He shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)