

01.02.2024

645 (ML)
Ct. No. 29
S.D.
Allowed

C.R.M.(A) 5368 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nagerbazar** Police Station Case No. **351 of 2023** dated **17.11.2023** under Sections **498A/325/307** of the Indian Penal Code.

And

In Re: Subro Saha

..... petitioner

Mr. Anindya Lahiri

Mr. Anish Chakraborty

....for the petitioner

Mr. Bidyut Kumar Roy

Mr. Arup Sarkar

....for the State

Mr. Mayukh Mukherjee

Mr. Abhijit Singh

..for the defacto-complainant

Petitioner before us is the husband.

Police completed an investigation and submit charge sheet under Section 498A of the IPC, 1860 only.

Learned advocate appearing for the defacto-complainant submits that, police diluted charges as against the petitioner given the nature of the materials as against the petitioner.

Both the petitioner and the defacto-complainant are Assistant Professors of college.

Considering the fact that the police filed charge sheet only under Section 498A of the IPC, 1860, we deem it appropriate to 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/-, 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. 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)