

13.12.2024

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Allowed

C.R.M. (A) No. 4365 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Dasnagar Police Station Case No. 190 of 2024 dated 18.10.2024 under Sections 498A/325/313/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

And

In Re : Kuntal Karati petitioner

Mr. Mrityunjoy Chatterjee
Mrs. Suchismita Chakraborty
Mr. Debapriya Majumder
.....for the petitioner

Ms. Shaila Afrin
Ms. Sonali Bhar
....for the State

1. Learned Counsel for the petitioner submits victim lady had earlier instituted a criminal case alleging cruelty in 2022. He was acquitted in the said case in 2023. Divorce proceeding is pending inter-parties. Presently another criminal case alleging assault has been falsely instituted. He prays for anticipatory bail.

2. Learned Counsel for the State opposes the prayer for anticipatory bail and submits parties had compromised the earlier dispute and the victim returned to the matrimonial home. Thereafter she was again assaulted.

3. We have considered the materials on record in light of the aforesaid submissions. Earlier criminal case alleging cruelty instituted against the petitioner ended in acquittal owing to compromise between the parties. Thereafter parties

started residing together and it is alleged that petitioner had pushed the victim causing injuries.

4. We have examined the injury report. Injuries are slight in nature. Possibility of a skirmish owing to a domestic dispute cannot be ruled out. Under such circumstances we are inclined to grant anticipatory bail to the petitioner, however, subject to conditions.

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 and on further condition that petitioner shall report to the Officer-in-Charge, Dasnagar Police Station once in a week until further orders.

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

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)