

04.03.2025
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as
[ALLOWED]

C. R. M. (A) 765 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Santipur Police Station Case No. 1002 of 2024 dated 28.07.2024 under Sections 85/316(2)/109/3(5) of BNS, 2023.

In Re: Abhinash Shaw.

... .. Petitioner

Mr. Pradip Roy
Mr. Ujjal Ray

... .. for the Petitioner

Md. Adil Badr, Ld. Jr. Govt. Adv.
Mr. Mujibar Ali Naskar.

... .. for the State

1. Petitioner submits there was a matrimonial discord between the parties. De-facto complainant-wife was residing at her parental home for one year. He tried to persuade his wife to return to the matrimonial home. In retaliation he has been falsely implicated. Accordingly, he prays for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail. He contends petitioner had throttled his wife.
3. We have considered the materials on record. Petitioner is the husband of the victim. There was matrimonial discord and she was residing at her parental home. On the fateful day, it is alleged petitioner had tried to throttle her. But petitioner submits he merely persuaded her to return to the matrimonial home. The rival versions may be thrashed out at the appropriate stage of the proceeding. Injury report does not disclose external body injury supporting an attempt to throttle the victim.

4. Hence, we are inclined to grant anticipatory bail to the petitioner.

5. Accordingly, we direct that in the event of arrest, the petitioner *viz.*, **Abhinash Shaw** be released on bail upon furnishing a bond of Rs.10,000/- 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 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.)