

13.03.2025
Item No.39
Ct. No. 26
CHC
Allowed

C.R.M.(A) 886 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita Act, 2023, in connection with **Baruipur** Police Station Case No. **5** of **2025** dated **01.01.2025** under Sections **318(4)/316(2)/351(2)/3(5)** of the Bharatiya Nyaya Sanhita, 2023, pending before the Court of Learned Additional Chief Judicial Magistrate, at Baruipur, South 24 Parganas.

And

In the matter of : Arpita Mondal (Pal) @ Arpita Paul & Ors.
..... petitioners

Mr. Koustav Bagchi, Advocate
Mr. Debayan Ghosh, Advocate
Ms. Priti Kar, Advocate
....for the petitioners

Mr. Subhomay Bhattacharya, Advocate
Mrs. Debjani Sahu, Advocate
....for the State

1. Leave granted to the learned advocate-on-record for the petitioners to correct the cause-title.
2. Petitioners pray for anticipatory bail.
3. Learned advocate appearing for the petitioners submits that, petitioner no.1 and her husband entered into a settlement to end the matrimonial discord, pursuant to which, a sum of Rs.7,60,000/- was received by the petitioner no.1 out of entire settled amount. Thereafter, the husband did not turn up for the purpose of settlement at Court.

4. Learned advocate appearing for the State submits that, after receipt of the amount, it was the petitioner no.1 who did not turn up for the settlement.
5. Apparently, there are matrimonial discord between the petitioner no.1 and her husband. The present criminal complaint appears to be a offshoot of such preexisting matrimonial dispute.
6. The issue as to who amongst the petitioner no.1 and the husband is at fault to take forward the settlement of their matrimonial disputes may be decided at the trial.
7. We do not find any necessity to place any of the petitioners before us in custody.
8. In such circumstances, we grant anticipatory bail to the petitioners.
9. Accordingly, we direct that in the event of arrest the petitioners will 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 be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973, corresponding to Section 482(2) of the BNSS and petitioner no.1, namely, Arpita Mondal (Pal) @ Arpita Paul and petitioner no.3, namely, Sulekha Pal @ Sulekha Paul will cooperate with the Investigating Officer till the conclusion of the investigation and petitioner no.2,

namely, Kashinath Pal @ Kashinath Paul will report before the Investigating Officer once in a fortnight till the conclusion of investigation and on further condition that the petitioners 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 petitioners in court including cancelling the anticipatory bail granted without further reference to this Court.

10. This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Smita Das De, J.)