

19.06.2025

Item No.292

Ct.No.34

rc.

Allowed

C.R.M. (A) 1847 of 2025

In Re : An Application for bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Deganga Police Station Case No. 235 of 2025 dated 24.04.2025 under Sections 85/89/316(2) of the Bharatiya Nyaya Sanhita and Sections 3 and 4 of the Dowry Prohibition Act.

And

In Re : **Imon Hossain @ Imon Hosain**

... Petitioner

Mr. Parthapratim Das

Mr. Monajit Chakraborty

... for the Petitioner

Mr. Pravas Bhattacharyya

Mr. Dipankar Mahata

... for the State

Mr. Suraman Sarkar

Mr. Asif Sohail Tarafdar

...for the defacto complainant

The petitioner is the husband of the defacto complainant and prays for anticipatory bail.

Learned counsel for the petitioner submits that the petitioner lodged a complaint before the concerned police station on March 28, 2025 stating that the defacto complainant had left her matrimonial home on March 08, 2025 with all her belongings including cash and gold ornaments and had refused to reunite with him. As a retaliation, the present complaint has been lodged on April 23, 2025. As the defacto complainant is an advocate, the petitioner was constrained to withdraw the anticipatory bail application filed before the learned District Court.

Learned counsels for the State and the defacto complainant submit that the defacto complainant has been driven out from her matrimonial home and the stridhan articles have not been returned to her.

I have considered the material on record. Both the complaints indicate that the defacto complainant left her matrimonial home on March 08, 2025. The present complaint has been lodged at an inordinate delay, the delay not being explained. The complaint prima facie appears to be a retaliation to the earlier complaint filed by the petitioner. Till date there is no document in support of the allegation under Section 89 of the BNS. The seizure list suggests that stridhan articles have been seized and returned to the defacto complainant.

In view of the above, this Court is inclined to allow the prayer for anticipatory bail of the petitioner.

Accordingly, in the event of arrest, the petitioner **Imon Hossain @ Imon Hosain** be released on bail on furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and subject to provision under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023. The petitioner shall meet the Investigating Officer once in a week till completion of investigation. The petitioner shall appear before the jurisdictional Court and pray for regular bail within two weeks from date.

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

Case Diary be returned.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)