

05.03.2025

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CRM(DB) 46 of 2025

In Re : An application under Section 483(3) of the BNSS.

AND

In Re : Sumayyah Wasim Petitioner

Mr. Abdul Hadi

..... for the petitioner

1. Petitioner has prayed for cancellation of anticipatory bail granted to the opposite party no. 2/husband.

2. Learned Counsel for the petitioner submits learned Judge failed to consider the fact that the petitioner had been tortured at the matrimonial home. She was assaulted and medically treated. Investigation was not conducted properly under Article 226 of the Constitution of India and directions were passed therein. Accordingly, she prays for anticipatory bail.

3. We have considered the materials on record. Petitioner was married to opposite party no. 2 one year ago. A matrimonial dispute cropped up. It is alleged petitioner had been subjected to cruelty and had been assaulted. These issues may be assessed at the appropriate stage of the proceeding. Learned Judge considered the materials in the case diary and noted streedhan articles have been recovered. Under such circumstances and in view of law declared in

*Armesh Kumar vs. State of Bihar & Anr.*¹ we are of the opinion no worthwhile purpose would be served in committing opposite party no. 2 to custody. Accordingly, we find no reason to interfere with the order.

4. Accordingly application is dismissed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

¹ (2014)8 SCC 273