

Atanu Mondal vs Unknown on 28 January, 2022

9

28.01.2022

rrc CRM 9015 of 2021 (via video conference) Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : Atanu Mondal petitioner Mr. Sudip Ghosh ChowdhuryFor the petitioner Mr. Saryati DattaFor the State Apprehending arrest in connection with Serampore Police Station Case No. 83/2021 dated 10.12.2021 under Sections 498(A)/406 of the Indian Penal Code, the present application has been preferred.

Mr. Ghosh Chowdhury, learned advocate appearing for the petitioner submits that the petitioner is the husband of the victim. The allegations are omnibus in nature. The victim herself left her matrimonial house. There was a subsisting dispute between the victim and her in-laws and an application was filed by the mother-in-law against the victim under the Protection of Women from Domestic Violence Act, 2005. Streedhan articles had already been returned. In the said conspectus, the petitioner may be granted anticipatory bail.

Mr. Datta, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of accusations and as the streedhan articles have been returned, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, Atanu Mondal shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that the petitioner shall meet with the investigating officer once a fortnight till investigation is complete.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses. He shall also attend learned Court below on all the dates, as specified for hearing.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM 9015 of 2021, is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court. (Sugato Majumdar, J.) (Tapabrata Chakraborty, J.)