

In the Court of the Sessions Judge, Paschim Bardhaman.

Present:- Sri. Manoj Kumar Prasad,
Sessions Judge, Paschim Bardhaman-in-charge.

Cr. Misc. Case No. 1425 / 2022
CIS No. 1437 of 2022
CNR No. WBBD15-003031-2022

Order No.02, dated 14.09.2022.

In this Criminal Misc. Case under section 438 Cr.P.C., the petitioner namely, Uttam Verma, who apprehends his arrest in connection with Hirapur P.S. Case No. 314 of 2022 dated 19.08.2022, under section 498A/ 406/ 34/ 377 of the IPC has come up with a prayer for grant of anticipatory bail.

At the outset learned Advocate for the petitioner submits that no application for anticipatory bail has either been rejected by the Hon'ble Court or is pending for disposal before the Hon'ble Court. Learned Advocate draws my attention to the affidavit relating to such fact.

Learned P.P., Paschim Bardhaman submits that there is no indication in the Case Diary which goes to suggest that prayer for anticipatory bail for the petitioner has either been rejected by the Hon'ble Court or is pending before the Hon'ble Court for disposal.

Heard the Ld. Advocate appearing for the petitioner and Mr. Swaraj Chatterjee, learned P.P., Paschim Bardhaman. Learned Public Prosecutor, Paschim Bardhaman raises objection against the prayer for anticipatory bail.

Learned Advocate for the accused/ petitioner submits that the victim-cum-complainant left the house of the accused and started residing at her parental house leaving the accused/ husband and for that reason the accused/ petitioner lodged a case for Restitution of Conjugal Rights on 05.04.2022 and since after filing the suit for Restitution of Conjugal Rights the complainant has filed the criminal case against him with false allegation and so, he prays for granting anticipatory bail of the accused/ petitioner.

On the other hand learned Public Prosecutor, Paschim Bardhaman submits that there is serious allegation against the accused/ husband. Since after marriage the husband of the complainant and in-laws started torture upon the victim/ wife on demand of money. The accused and the other in-laws were not satisfied with the articles given at her marriage and always insulted her and the accused/ husband forced her wife, the victim for unnatural sex and the husband brutally committed unnatural sex upon the wife causing injury to the wife and she felt unwell and after 1½ months of marriage the victim bound to leave her matrimonial house due to such brutal unnatural sex upon her and tortured her on demand of money and insult upon her.

The brief fact of the case is that the case was started on the basis of a petition under section 156(3) of the Cr.P.C. The case was registered on 19.08.2022 at Hirapur PS. The complaint was lodged alleging that since after marriage her husband and in-laws started torture upon her on demand of further money and they used to insult the victim as they were

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not satisfied with the quality and quantity of of the dowry given at her marriage. The victim explained the nature of brutal sex by her husband upon her in details in the FIR. Her husband forced her for unnatural carnal intercourse to her and also forced her for oral sex against her will. When the complainant denied doing such unnatural sex then her husband started torture upon her. He forced her to do with her unnatural sex and even the complainant started crying out of pain but the accused/ husband did not stop such immoral activities against the nature. It is further alleged that the accused person also insulted the parents of the victim.

I perused the record and the case diary.

It appears that the marriage was solemnized on 01.01.2022 and only after 1½ months due to such torture upon the victim she was bound to leave her matrimonial house with her parents. The accused person forced her to lodge FIR against her parents and when she denied then the accused/ husband assaulted her and torture upon her. The unnatural sex which her husband used to do with her as it appears from the record is horrific.

After perusal of the record and the case diary materials, it appears that this petitioner/ husband is the principal accused of this case and there is material against the accused person and investigation against the accused person is going on and at this initial stage, I am not inclined to grant prayer for anticipatory bail. Hence, prayer for anticipatory bail of accused/ petitioner namely, Uttam Verma is rejected.

Return the case diary.

Let a copy of this order along with the LCR be sent down to the court below.

The Cr. Misc. Case is thus disposed of.

Dictated & corrected by me.

Sessions Judge, Paschim Bardhaman-in-charge.
J.O. Code - WB00779

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