

SLP(Crl.)No. 1285 OF 2003
ITEM No.32

Court No. 6

SECTION IIA
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No. 1285/2003

(From the judgement and order dated 25/11/2002 in CRLM 16655/02
of The HIGH COURT OF JUDICATURE AT PATNA)

TAPAS KUMAR MUKHERJEE

Petitioner (s)

VERSUS

STATE OF BIHAR & ANR.

Respondent (s)

(With Appln(s). for stay)
(With Office Report)

Date : 02/04/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s)

Mr. Siddhartha Chowdhury, Adv.
Mr. R.P. Ghosh, Adv.

For Respondent (s)

Mr. Sumit Kumar, Adv.
For Mr. Akhilesh Kumar Pandey, Adv.

UPON hearing counsel the Court made the following
O R D E R

The anticipatory bail granted to the petitioner by the High Court has been vacated by the impugned order dated 25th November, 2002, inter alia, noticing that despite assurance being given, the parties had not started living together. It has also been noticed that the petitioner had stated before the Court that he shall keep his wife and two daughters with dignity. The petitioner is the husband. The complaint has been filed by wife. The marriage between the parties took place in the year 1981. They have two grown up daughters; one

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was born in the year 1982 and the other in 1984. It seems that the first complaint was made in the year 2000 although it refers to the treatment meted out by petitioner to the complainant in 1980s as well.

Without going into the merits but having regard to the facts and circumstances of the case, we would dispose of this petition by affirming the order dated 10th April, 2003 passed by this Court staying the impugned order of cancelling the anticipatory bail which has earlier been granted in favour of the petitioner. The petitioner, in the event of arrest, would be released by the arresting officer on his furnishing bail bond to his satisfaction and giving an undertaking to comply with the provisions of Section 438(2) Cr.P.C.

The SLP is disposed of accordingly.

(Satish K. Yadav)
Court Master

(V.P. Tyagi)
Court Master