

21.01.2021

Item No.140

Ct.No.28

dc.

Allowed

C.R.M. 181 of 2021

(Via Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

And

In Re : **Gopal Chandra Das & Anr.**

... Petitioners.

Mr. Sudip Ghosh Chowdhury

... For the Petitioners.

Mr. Mirza Firoj Ahmed Begg

... For the State.

Apprehending arrest in connection with Titagarh P.S. Case No. 680 of 2020 dated 05.12.2020 under Sections 498(A)/406 of the Indian Penal Code, the present application has been preferred by the petitioners.

The learned advocate appearing for the petitioners submits that the petitioners are not the relations within the ambit as described under Section 498A of the Indian Penal Code. However, there are allegations of extramarital relationship against the petitioner no.2 with the husband of the *de facto* complainant and the petitioner no.1 happens to be the husband of the petitioner no.2.

Mr. Begg, learned advocate appearing for the State opposes the application for anticipatory bail and submits

that there are allegations of incitement for inflicting torture on the *de facto* complainant.

We have considered the materials in the case diary and having regard to the nature of allegations, we are of the opinion that custodial detention of the petitioners is not warranted in the facts and circumstances of the case.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioners, namely **Gopal Chandra Das** and **Piyali Das** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, 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 and on further condition that the petitioner no.1, namely **Gopal Chandra Das** shall meet with the Investigating Officer of the case once a week on and from 25.01.2021 until further orders.

The application for anticipatory bail, being CRM 181 of 2021 is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)