

CRM No.286 of 2021

21.01.21 In re: An application for anticipatory bail under Section 438 of the
(S.R.) Code of Criminal Procedure filed in connection with Dhantala Police
Sl.163 Station Case No.427 of 2020 dated 20.10.2020 under Sections
Ct.28 498A/307/406/34 of the Indian Penal Code;

And

In re: Gautam Bhattacharya

... petitioner.

Ms. Minoti Gomes

... for the petitioner.

Ms. Baisali Basu

...for the State.

Ms. Gomes, learned advocate appearing for the petitioner submits that about five years after the marriage the complaint was lodged falsely implicating the petitioner, who is the husband of the *de facto* complainant. The *de facto* complaint had already left her matrimonial house on 1st April, 2020. In view of the nature of allegations, custodial detention of the petitioner is not necessary.

Mr. Chatterjee, learned advocate appearing for the State opposes the petitioner's prayer.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations, we are of the opinion that custodial detention of the petitioner is not warranted.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Gautam Bhattacharyya**, shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount, 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.

Accordingly, the application for anticipatory bail being CRM No.286 of 2021, is allowed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)

