

05.03.2021

Item No.27

Ct.No.28

Subha

Allowed

C.R.M. 564 of 2021

(Via Video Conference)

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

And

In the matter of : Tapan Majumder

.. Petitioner.

Mr. Debasis Kar

Mr. Husen Mustafi

Mr. Subhajit Chaudhury

... For the Petitioner.

Mr. Tanmoy Kumar Ghosh

Mr. Arindam Sen

... For the State.

Apprehending arrest in connection with Hanskhali Police Station Case No. 722 of 2020 dated 29.12.2020 under Sections 498A/307/34 of the Indian Penal Code, the present application has been filed.

Mr. Kar, learned advocate appearing for the petitioner submits that the petitioner is the husband of the informant and the marriage was solemnized 19 years prior to the complaint being lodged with the police authorities.

Learned advocate appearing for the petitioner further submits that the other co-accused persons have already been released on bail and due to trivial matrimonial dispute the petitioner and the inmates of the matrimonial home have been falsely implicated in the instant case.

Mr. Ghosh, learned advocate appearing for the State opposes the prayer for anticipatory bail of the present petitioner and draws the attention of this court to the medical report.

We have perused the materials on record available in the case diary which, prima facie, reflects that there were certain overt acts on behalf of the present petitioner, but having regard to the fact that the marriage was solemnized 19 years prior to the incident, we are of the opinion that the custodial detention of the petitioner is not warranted and as such the prayer for anticipatory bail of the present petitioner is allowed.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioner, namely, **Tapan Majumder** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) 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.

The petitioner shall meet with the Investigating Officer of the case once a week on and from 11th March, 2021 until further orders.

The application for anticipatory bail, being CRM 564 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.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)