

29.07.2021

(Via Video Conference)

Court No.28
Item No.380
(ALLOWED)

CRM 1305 of 2021

Ab/Saswata

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 29.01.2021 in connection with Chinsurah Women Police Station Case No. 20 of 2020 dated 17.06.2020 under Sections 498A/406/354 of the Indian Penal Code (G. R. Case No. 772 of 2020);

And

In the matter of : **Shubhabrata Dutta and another.**

...Petitioners

**Mr. Bitasok Banerjee,
Mr. Apurba Kumar Datta.**

...For the Petitioners

**Mr. Tanmoy Kumar Ghosh,
Ms. Sima Biswas.**

... For the State

The Advocate-on-record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

Apprehending arrest in connection with Chinsurah Women Police Station Case No. 20 of 2020 under Sections 498A/406/354 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

The petitioners being the husband and the father-in-law of the complainant have filed the instant application for anticipatory bail.

It is submitted by the learned Advocate for the petitioners that they have been falsely implicated as the complainant left the matrimonial home voluntarily and even after filing of an application for restitution of conjugal rights, she has denied the company of the petitioner no. 1, husband. It is further submitted that the instant

case is an outcome of the matrimonial discord having no sanctity of truth in it.

The State opposes the prayer for anticipatory bail and submits that the complainant has specifically stated the torture inflicted upon her by the petitioners and, therefore, the prayer for anticipatory bail should be rejected.

After hearing the respective submissions and on perusal of the statement of the complainant recorded under Section 164 of the Code of Criminal Procedure, we find the incriminating materials against the petitioner no. 2, though the role of the petitioner no. 1 to the alleged offence appears to be somewhat blurred.

We, thus, do not find that it is a fit case where the petitioner no. 2 should be extended immunity from being arrested in connection with the aforesaid case.

The prayer for anticipatory bail so far as the petitioner no. 2, namely, Debabrata Dutta, is concerned, is rejected.

Accordingly, we direct that in the event of arrest the petitioner no. 1, namely, **Shubhabrata Dutta**, shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

CRM 1234 of 2021 is, thus, **disposed of**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)

