

24.11.2021

Court No.32
rpan / **118**

CRM No. 1638 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re: **Subir Kumar Majhi**

- Petitioner

Mr. S. M. Obaidullah,

Mr. Goutam Debnath

...For the Petitioner.

Mr. Subrato Roy

...For the State

Apprehending arrest in connection with Bagnan Police Station Case No. 566 of 2019 dated 25.12.2019 under Sections 498A/406/34 of the Indian Penal Code, the petitioner has filed the present application.

The learned advocate appearing for the petitioner submits that the petitioner married the *de facto* complainant in the year 2017. The allegations levelled against the petitioner are in the abstract. The complaint has been registered on the basis of an application under Section 156(3) of the Code of Criminal Procedure. He further submits, upon instruction, that the *de facto* complainant has returned to her matrimonial house and is presently residing with the petitioner. In the said conspectus, custodial interrogation of the petitioner is not warranted, more so when the other co-accused persons have already been enlarged on bail.

The learned advocate appearing for the State opposes the petitioner's prayer placing reliance upon materials in the case diary.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation of the petitioner is not warranted, more so when other co-accused persons have already been enlarged on bail.

Accordingly, we allow this application and direct that in the event of arrest, the petitioner, namely, **Subir Kumar Majhi** shall be released on bail upon furnishing two registered sureties of ₹5,000/- each, 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.

The application for anticipatory bail, being CRM No. 1638 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.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)