

Item No.28
11-08-2021
(ct. no.32)
(AD)
Allowed

(Via Video Conference)

CRM 1907 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Narkeldanga Police Station** Case No. **171 of 2019** dated **06.06.2019** under Sections **498A/ 406/ 34 / 307/354B** of the Indian Penal Code read with Sections **3 & 4** of D.P. Act.

- A n d -

In the matter of : Ajit Rajak

.... Petitioner.

Mr. Shekhar Barman

... For the Petitioner.

Mr. Goutam Wilson

... For the State.

The petitioner is the husband of the de-facto complainant. It is submitted that the marriage tie between the petitioner and the de-facto complainant was dissolved by a decree of divorce on January 3, 2018. The present complaint was lodged on June 6, 2019, that is, after about one and half years. The allegations against the petitioner are out and out false.

The State refers to the case diary including statements of witnesses and opposes the prayer for anticipatory bail.

Upon considering the material on record, we find that the petitioner obtained an *ex parte* decree for divorce against the de facto complainant on January 3, 2018. This *prima facie* indicates that the parties lived separately, thereafter, the complaint being lodged only on June 6, 2019.

Having considered the material in the case diary and the nature of allegations against the petitioner, we are inclined to hold that immediate custodial interrogation of the petitioner may not be necessary and he may be granted anticipatory bail so long as he cooperates with the investigation, as charge sheet has not been submitted as yet.

Accordingly, in the event of arrest, the petitioner 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 shall abide by the conditions laid down in Section 438 (2) of the Code of Criminal Procedure until further orders.

The application for anticipatory bail being CRM 1907 of 2021 is, thus, allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)