

26.08.2021
Court No.28
Item No. 297
(allowed)

Saswata
(Assistant
Registrar)(Court)

(Via Video Conference)

CRM 2413 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Krishnanagar Women Police Station Case No. 18 of 2020 dated 13.03.2020 under Sections 498A/34 of the Indian Penal Code;

And

In the matter of : **Ankan Rathindra Mukhopadhyay**
...Petitioner

Mr. Supriyo Das

...For the Petitioner

Mr. Saibal Bapuli, APP

...For the State.

The Advocate on Record of the petitioner 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 Krishnanagar Women Police Station Case No. 18 of 2020 under Sections 498A/34 of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

The petitioner has been implicated in connection with the instant case alleging mental and physical torture inflicted upon the complainant. The aforesaid complaint has been lodged because of a matrimonial discord between the *de facto* complainant and the petitioner. Though the element of mental and physical torture has been made, but it is not corroborated by any medical document.

A plea has been taken by the learned Advocate for the State that the petitioner is guilty for not following the requisitions made in a notice under Section 41A of the Code of Criminal Procedure, which has been strongly denied by the learned Advocate for the petitioner. According to him, no such notice was ever served.

Without venturing to go into such disputed arena on the basis of the materials available from the case diary produced before us, we do not think that custodial interrogation of the petitioner is at all

necessary.

The prayer for anticipatory bail is, thus, **allowed**.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of ₹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 of the concerned police station and on condition that the petitioner shall meet the Investigating Officer as and when called for and on further conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

In the event, the petitioner fails to do so without any justifiable cause, the Trial Court shall be at liberty to pass an appropriate order in accordance with law without any further reference to this Court.

The application for anticipatory bail being CRM 2413 of 2021 is, thus, **disposed of**.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)