

62. 27.09.2021

Ct.32

Tanmoy

Allowed

C.R.M. 3250 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **09/04/2021** in connection with **Uttarpara Police Station Case No. 646/2019** dated **27/12/2019** under Sections **498A/406** of the Indian Penal Code.

And

In the matter of: - **Rahul Das @ Babu**

...petitioner.

Ms. Minoti Gomes

...for the petitioner.

Mr. Goutam Wilson

...for the State.

The petitioner is the husband of the victim lady. The petitioner says that he has been falsely implicated. His wife was unhappy with the low level of his income. She wanted the petitioner to agree to mutual divorce. The petitioner did not agree. Hence, this false complaint has been lodged to arm-twist the petitioner.

Learned Advocate for the State has placed before us the statements of witnesses recorded under Section 161 of the Code of Criminal Procedure. There is no injury report. The State says that investigation is yet to be completed.

The allegations in the statements of witnesses are general and omnibus in nature. No specific overt act has been attributed to the petitioner. On an overall assessment of the material on record and the nature and gravity of the alleged offence we are of the view that immediate custodial interrogation of the petitioner

may not be necessary so long as he co-operates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, *viz.*, **Rahul Das @ Babu** 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.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. 3250 of 2021 is, accordingly, disposed of.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)