

16.12.2021
Item no.555
Court No.32
Avijit Mitra

C.R.M. 4213 of 2021

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

And

In Re : Shuvendu Paul @ Subhendu Paul

.... petitioner

Ms. Minoti Gomes

....for the petitioner

Mr. Subroto Roy

..... for the State

Apprehending arrest in connection with English Bazar Police Station Case No.65 of 2021 dated 04.04.2021 under Sections 498A/313/494/34 of the Indian Penal Code read with Section 3 Dowry Prohibition Act, the present application has been preferred.

Ms. Gomes, learned advocate appearing for the petitioner submits that the allegations levelled against the petitioner are unfounded. The victim lady was suffering from mental disorder and the petitioner himself took initiative for her treatment. The ingredients of Section 313 of the Indian Penal Code are also not attracted. The alleged incident occurred about 5 ½ years after the marriage. In the said conspectus, custodial interrogation is not necessary.

Learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary including the statements of the victim lady as recorded under sections 161 and 164 of the Code.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations, the extent of complicity of the petitioner in the alleged offence and as *prima facie* it cannot be ruled out that the victim was having mental disorder, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Shuvendu Paul @ Subhendu Paul**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The petitioner shall attend the learned Trial Court on all the dates as fixed for hearing.

The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for anticipatory bail being C.R.M. 4213 of 2021 is 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.)

