

09. 20.09.2021

Ct.32

Tanmoy

Allowed

C.R.M. 4289 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **23/06/2021** in connection with **Nabadwip Police Station Case No. 41 of 2021** dated **29/01/2021** under Sections **498(A)/323/307/379(A)/354(A)/406/34** of the Indian Penal Code.

And

In the matter of: - **Dipanjana Banerjee**

...petitioner.

Ms. Suman Sehanabis (Mandal)

...for the petitioner (through V.C.).

Mr. Bidyut Kr. Roy,

Ms. Rita Datta

...for the State.

The petitioner is the husband of the complainant. The allegation is of torture and physical injury. Section 307 of the Indian Penal Code has also been pressed into service.

We have seen the statement of the complainant in the Case Diary. We have also seen the injury report. There is no significant injury.

The petitioner says that the complaint is entirely false. There was some acrimony between the couple which had prompted the wife to file this false complaint.

On an overall assessment of the material on record and considering the injury report, 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.*, **Dipanjana Banerjee** 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 being C.R.M. 4289 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.)