

CRM No.5288 of 2021

Via video conference

07.12.21

(S.R.)

Sl.193

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Kolaghat** Police Station Case No.424 dated 17/12/2020 under Sections 498A/306/34 of the Indian Penal Code;

And

In re: Dhananjoy Halder

... petitioner.

Mr. Ayan Basu

Mr. Sourav Bera

Mr. Sumit Routh

... for the petitioner.

Ms. Faria Hossain

Ms. Baisali Basu

...for the State.

Mr. Basu, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in an alleged incident which occurred about 12 years after his marriage. He is an Army Personnel and on the date of the alleged incident he was posted at Allahabad. His wife committed suicide on 2nd June, 2020. The complaint had been lodged about 6 months after the alleged incident on the basis of an application filed under Section 156(3) of the Code. The petitioner has two daughters and after the incident they were residing with the parents-in-law and the petitioner was paying their expenses. Subsequently, the parents-in-law demanded more money from the petitioner and as such he was constrained to prefer an application under Section 97 of the Code. In the said conspectus and since upon completion of investigation charge sheet has been submitted, custodial detention is not warranted.

Ms. Basu, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary including the post-mortem report.

Heard the learned advocates appearing for the respective parties

and considered the materials in the case diary. We do not find that in course of investigation the statements of the daughters of the victim were recorded. Considering the nature of allegations, the statements of the witnesses and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not warranted more so when upon completion of investigation charge sheet has been submitted.

Accordingly, we direct that in the event of arrest the petitioner will 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and shall attend the learned trial court on all the dates specified for hearing.

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 his bail without any further reference to this Court.

The application for anticipatory bail being CRM No.5288 of 2021 is, accordingly, 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.)