

16.12.2021

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Allowed

**C.R.M. 6187 of 2021
(via video conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Balurghat Women Police Station Case No. 26 of 2021 dated 04.07.2021 under Sections 498A/307 of the Indian Penal Code.

And

In Re : Nepal Roy Prafulla petitioner

Ms Jeenia Rudra
.....for the petitioner

Mr. Sujan Chatterjee
....for the State

Learned advocate appearing for the petitioner submits the incident occurred due to a matrimonial dispute and the petitioner has been falsely implicated in the instant case.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that the victim housewife was driven out of the matrimonial home within four months of her marriage.

We have considered the materials on record. Allegation of physical torture is not supported by medical evidence.

In view of the aforesaid fact, we are of the opinion though custodial interrogation of the petitioner may not be necessary, he requires to co-operate with the investigation in accordance with law.

Accordingly, we direct that in the event of arrest the petitioner 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 also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further conditions that the petitioner shall meet the investigating officer once in a week until further orders. He shall appear before the court below and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)