

03.12.2021

Item No.2

Ct.No.1

dc./gsd

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

C.R.M. 508 of 2021

(Via Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Matigara PS Case No. 57 of 2020 dated 25.01.2020 (GR Case No. 273 of 2020) under Sections 498A/313/420/506/34 of the Indian Penal Code.

And

In the matter of : **Indrajit Bose**

... Petitioner.

Mr. Subir Banerjee

... for the petitioner

Mr. A. S. Chakraborty, Ld. A.P.P.

Ms. Namrata Das

... For the State.

Learned Advocate for the petitioner submits that prior to the registration of the present case, another case being Siliguri Women Police Station Case No.183 of 2019 was registered for investigation on 16.9.2019. As a mark of settlement in the said case, as submitted, the present petitioner and the defacto-complainant at the intervention of their relations and well wishers decided to marry.

Learned Advocate for the petitioner further submits that there were allegations of further demand of dowry, mental and physical torture and on the basis of that the present case has been initiated.

The Learned Advocate for the State opposes the prayer for anticipatory bail and submits that there are allegations under Section 313 of the Indian Penal Code and there was huge demand of dowry which was paid to the present petitioner.

Be that as it may, we have perused the materials on record including the medical documents and we find that the medical documents are of the year 2018 which was prior to the registration of the FIR on 16.9.2019.

Having regard to the facts of this case, we are of the view that custodial detention of the petitioner may not be warranted in the present case.

Accordingly, we **allow** the application for anticipatory bail and direct that in the event of arrest, the petitioner, namely **Indrajit Bose** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 and on further condition that the petitioner shall meet with the Officer-in-Charge, Matigara Police Station once a week until further orders and shall make himself available on each and every date fixed by the Learned Trial Court.

Any violation of the aforesaid conditions would enable the Learned Trial Court to cancel the bail without any

further reference to this Court. The Investigating Officer of the Case and the Officer-in-Charge of Matigara Police Station are present in Court. Their personal appearance stands dispensed with.

The application for anticipatory bail, being CRM 508 of 2021 is disposed of.

All parties shall act on the server copy of this order, duly obtained from the official website of the Hon'ble High Court Calcutta.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)