

08.06.2021  
AJ./S.B.,ct 28  
Sl no. 01 (P.B.)

**C.R.M. 599 of 2021**

**( Via Video Conference )**

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 17.05.2021 in connection with Bagdogra P.S. F.I.R. Case No. 159 of 2021 dated 24.04.2021 under Sections 498A of the Indian Penal Code and Section 4 of D.P. Act, 1961.

And

**Allowed**

In Re : **Subha Maity & Ors.** ..... petitioners.

Ms. Debi Priya Mitra. .... for the petitioners.

Mr. Aditi Shankar Chakraborty,  
Mr. Tapan Bhattacharya. .... for the State

This is an application for anticipatory bail apprehending arrest in connection with Bagdogra P.S. F.I.R. Case No. 159 of 2021 dated 24.04.2021 under Section 498A of the Indian Penal Code read with Section 4 of D.P. Act.

Having heard the parties this Court notes that the petitioner no.1/husband was residing in the wife's residence as a house-husband. The petitioner nos.2 and 3 are the mother and father respectively of the petitioner no.1 who resides separately.

In view of the above, this Court is of the view that the investigation shall not be impeded if the petitioners are enlarged on bail.

Accordingly, in the event of arrest the petitioners shall be released on bail subject to satisfaction of conditions under Section 438(2) of Code of Criminal Procedure, 1973 and upon furnishing a bond of Rs.10,000/- each (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the Investigating Officer until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioners shall not enter the jurisdiction of the concerned Police Station except for the purpose of investigation and shall provide the address where they shall reside while on bail to the Investigating Officer and shall report to the Officer-in-Charge of the concerned

Police Station within whose jurisdiction they shall reside once in a week until further orders. The petitioners shall surrender their passports to the Investigating Officer and if they do not possess a passport, shall submit an affidavit to that effect before the Investigating Officer.

In event of violation or breach of any of the conditions, this order shall be treated to be cancelled without further reference to this court.

The application for anticipatory bail being CRM 599 of 2021 is, thus, disposed of.

The parties shall act in terms of the copy of the order downloaded from the official website of this Court.

**(Biswajit Basu, J.)**

**(Rajasekhar Mantha, J.)**