

20.07.2021

Court No.28
Item No.16
(ALLOWED)

Saswata
&
ab

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT
JALPAIGURI**

(Via Video Conference)

CRM 713 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Bagdogra Police Station Case No. 282 of 2021 dated 22.06.2021 under Section 498A of the Indian Penal Code.

And

In the matter of : **Biraj Chandra Paul**

...Petitioner

**Mr. Aniruddha Biswas
Mr. Baidurya Ghoshal
Ms. Trishita Bera**

...For the Petitioner

**Mr. Nilay Chakraborty
Ms. Namrata Das**

...For the State.

The Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

Apprehending arrest in connection with Bagdogra Police Station Case No. 282 of 2021 under Section 498A, the petitioner has filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

At the threshold of this case, learned Advocate for the petitioner submits that the petitioner has already complied with the notice received under Section 41A of the Code of Criminal Procedure. It is further submitted that custodial interrogation in the instant case is not at all necessary. The petitioner is a senior resident of All India Institute of Medical Science (AIIMS) and a COVID warrior and he has been falsely implicated in this case over a trifling issue with his wife.

Learned Advocate for the State raises objection against the prayer for pre-arrest bail. It is submitted that the victim had to face mental

cruelty at the instance of her husband and the victim was not allowed to visit her paternal home on the occasion of her brother's marriage.

Having considered the submissions of both sides and bearing in mind the compliance of Section 41A of the Code of Criminal Procedure together with the absence of any physical injury suffered by the victim in consequence of a trifling domestic issue with her husband, we are of considered view that custodial interrogation of the petitioner in this case is not necessary.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of `10,000/- with two sureties of like amount each, 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.

CRM 713 of 2021 is, thus, ***allowed***.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)