

05.08.2021

Court No.28
Item No.21
(ALLOWED)

Saswata

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

(Via Video Conference)

CRM 711 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Malbazar Police Station Case No. 303 of 2021 dated 14.06.2021 under Section 498A of the Indian Penal Code;
And

In the matter of : **Kiran Chandra Haldar @ Kiran Haldar**
...Petitioner

Mr. Sabir Ahmed
Mr. Shahan Shah

...For the Petitioner

Mr. Abhijit Sarkar
Mr. Saikat Chatterjee

...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 Malbazar Police Station Case No. 303 of 2021 dated 14.06.2021 under Section 498A of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

The petitioner has filed the instant application praying for anticipatory bail in connection with the aforesaid case.

Allegation is made against the petitioner by his wife, stating physical and mental torture for a long time.

It is submitted by the learned Public Prosecutor-in-charge that the petitioner had already complied with the notice under Section 41A (2) of the Code of Criminal Procedure and met the Investigating Officer. There is no supporting evidence to prove, even prima facie, any physical injury inflicted upon the complainant by the petitioner.

In view of such circumstances, we find that custodial interrogation of the petitioner is not necessary and the prayer for anticipatory bail of the petitioner is **allowed**.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of ₹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 the petitioner shall meet the Investigating Officer as and when called for and shall cooperate with the investigation process and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail being CRM 711 of 2021 is, thus, ***disposed of.***

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)