

17.08.2021

Court No.28
Item No.13
(Allowed)

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI

CRM 764 of 2021
(Via Video Conference)

**Akd
&
As**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Siliguri Women Police Station Case No. 15 of 2021 dated 05.02.2021 under Sections 498A/307/109 of the Indian Penal Code;

And

In the matter of : **Ratul Malakar**

...Petitioner

Ms. Sananda Bhattacharyya.

...For the Petitioner

**Mr. Nilay Chakraborty,
Mr. Sourav Ganguly.**

...For the State.

Apprehending arrest the petitioner being the husband of the de facto complainant in a case under Sections 498A/307/109 of the Indian Penal Code, has prayed for anticipatory bail.

It is submitted by the learned Advocate for the petitioner that the de facto complainant is aggressive in nature. In order to solve the dispute the petitioner took her to the Family Counselling Centre, but his efforts for peaceful settlement of the dispute went in vein.

It is reported that due to aggressive behaviour of the de facto complainant the peace and tranquility of the petitioner's family is being hampered.

Learned Public Prosecutor-in-Charge, though opposes the prayer for anticipatory bail, submits that the de facto complainant did not suffer any grievous injury and the nature of the injury does not suggest that she was attempted to be murdered.

For the reasons stated above, we find that the petitioner is entitled to the benefit of Section 438 of the Code of Criminal Procedure.

The prayer for anticipatory bail is thus allowed.

Accordingly, in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two

sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer of the concerned police station subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that the petitioner shall meet the Investigating Officer as and when called for.

Default without any plausible reason on a solitary occasion to appear before the Investigating Officer may entitle the prosecution to apply for cancellation of the liberty granted in this order and if such approach is made, the concerned Court would decide the same independently without any further reference to this Court.

The application for anticipatory bail, being CRM 764 of 2021 is thus **disposed of**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)