

14.12.2021
SL No.37
Court No.1
(gc)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

**CRM 1072 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 Haldibari Police Station Case No.29/2021 dated 16.02.2021 under Section 498A of the Indian Penal Code.

And

In the matter of : **Avijit Chanda @ Abhijit Chanda**

- Petitioner.

Mr. Debajit Kundu,
... For the Petitioner.

Mr. Kallol Acharjee,
Ms. Namrata Das,
... For the State

The learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated. It is further submitted that the petitioner has filed an application under Section 13 of the Hindu Marriage Act for decree of divorce and subsequently as retaliation this false complaint has been made.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and refers to the statements of some independent witnesses under Section 161 of the Code of Criminal Procedure.

Having regard to the materials available on record and the nature and extent of complicity of the petitioner in the commission of alleged offence and also having regard to the fact that the

complaint was lodged after the husband filed a suit for divorce and also having regard to the fact that the charge-sheet has already been filed, we are of the opinion that the custodial interrogation of the petitioner is not necessary. Accordingly, we are inclined to grant anticipatory bail to the petitioner. The prayer for anticipatory bail is, thus, allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Avijit Chanda @ Abhijit Chanda**, 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 and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and the petitioner shall appear before the learned trial court on each and every date of hearing.

The application for anticipatory bail, being CRM No.1072 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Biswajit Basu, J.)

(Soumen Sen, J.)