

CRM(A) No.406 of 2022

Via video conference

01.03.22

(S.R.)

Sl.24

Ct.32

Allowed

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Andal** Police Station Case No.369 of 2021 dated 21/12/2021 under Sections 498A/323/307/406/506/34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act;

And

In re: Bekash Harijan

... petitioner.

Mr. Kallol Kumar Basu

Md. Jannat Ul Firdous

Ms. Tithi Majumder

... for the petitioner.

Mr. Imran Ali

Mr. M.F.A. Begg

...for the State.

Mr. Basu, learned advocate appearing for the petitioner submits that the petitioner is a married person. The *de facto* complainant claimed to be his wife. Disputing such fact, the petitioner filed a declaratory suit, which is still pending. The petitioner was also constrained to lodge a complaint against the *de facto* complainant and others. It is only thereafter, the present complaint has been lodged by the *de facto* complainant falsely implicating the petitioner. In the said conspectus, custodial interrogation may not be necessary.

Mr. Ali, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the *de facto* complainant, as recorded under Section 161 of the Code. Answering our query, he submits that there is no injury report in the case diary.

Having heard the learned advocates and considering the materials in the case diary, the nature of accusations and the possible extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest the petitioner will 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 with a further condition that the petitioner shall meet with the Investigating Officer once in a week till investigation is complete and shall attend the learned court below on all the dates, as specified for hearing.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for anticipatory bail being CRM(A) No.406 of 2022 is, accordingly, disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)