

20.01.2022

Court No.32
rpan/246

C.R.M. 6635 of 2021

[Through Video Conferencing]

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure;

And

In re: **Rohan Anoop Chabria & Another**

- Petitioners

Mr. Rohit Das,

Mr. Kishwar Rahman,

... for the Petitioners.

Mr. Saibal Bapuli,

Mr. Soumik Ganguli

... for the State.

Mr. Krishnendu Bhattacharya

... for the *De Facto* Complainant.

Apprehending arrest in connection with Baguihati Police Station Case No.374 of 2021 dated 24.07.2021 under Sections 498A/406 of the Indian Penal Code, 1860, the petitioners have filed the present application.

Mr. Das, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. The petitioner no.1 married the *de facto* complainant on 24th March, 2019 and had to leave for New Zealand twelve days thereafter. All steps were taken on behalf of the petitioner no.1 thereafter so that the *de facto* complainant may travel to New Zealand but due to the pandemics, such efforts failed. The petitioner no.2 is the mother-in-law and she resides in Mumbai. The *de facto* complainant visited her for a few days in Mumbai in the year 2019. Subsequently, about two years thereafter an application under Section 156(3) of the Code was preferred. The delay in lodging the complaint has not been explained. The petitioners are willing to

extend all cooperation to the investigating officer and in the said conspectus, the petitioners may be granted anticipatory bail.

Mr. Ganguly, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary.

Mr. Bhattacharya, learned advocate enters appearance on behalf of the *de facto* complainant and opposes the petitioners' prayer.

Having considered the materials in the case diary and bearing in mind the nature of allegations, in the light of the arguments as advanced, we are of the opinion that custodial interrogation is not warranted. As such, the petitioners' prayer for anticipatory bail is allowed.

Accordingly, in the event of arrest the petitioners, namely, **Rohan Anoop Chabria** and **Audrey Anoop Chabria** shall be released on bail upon furnishing a bond of Rs.10,000/- each with two registered 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 with a further direction that they shall cooperate with the investigation and shall appear before the Investigating Officer, on virtual mode, as and when called for.

The application for anticipatory bail, being CRM No. 6635 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.

(Ajoy Kumar Mukherjee, J.)

(Tapabrata Chakraborty, J.)