

10.01.2022

Court No.32

rpan/ **03**

C.R.M. 7493 of 2021

[Via video Conferencing]

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

And

In re: **Joydeep Dasgupta & Another**

- Petitioners.

Mr. Antarikhya Basu,

Mr. Sayan Mukherjee,

Ms. Madhumita Basak

... for the Petitioners.

Mr. Avishek Sinha

... for the State

Supplementary affidavit filed by the petitioners be kept on record.

Apprehending arrest in connection with Asansol (South) Police Station Case No.366 of 2021 dated 18.09.2021 under Sections 448/323/406/447/498A/506/34 of the Indian Penal Code, the petitioners have filed the present application.

Mr. Basu, learned advocate appearing for the petitioners submits that pursuant to the earlier order of this Court dated 17th December, 2021, the petitioners have complied with 41A notice and has met the investigating officer, as directed.

Such fact has not been disputed by Mr. Sinha, learned advocate appearing for the State.

Prima facie, it appears that the present case has been registered as a counter blast to an earlier complaint lodged by the petitioners and the dispute stems out of a disturbed matrimonial relationship.

Considering the nature of allegations, the conduct of the petitioners and the extent of their complicity in the alleged

offence and since the petitioners have complied with 41A notice, we are of the opinion that custodial interrogation is not warranted. As such, the prayer for anticipatory bail of the petitioners is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Joydeep Dasgupta** and **Nayan Dasgupta** shall be released on bail upon furnishing a bond of Rs.10,000/- each 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 no.1 shall meet with the Investigating Officer once a fortnight till investigation is complete.

It is further directed that the petitioners shall attend the learned court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM No. 7493 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.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)

