

06.01.2022  
Item no. 03  
Court No.32  
Avijit Mitra

**C.R.M. 7811 of 2021**

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

And

**In Re : Mantu Chhutar**

.... petitioner

Mr. Pawan Kumar Gupta

....for the petitioner

Mr. Debabrata Chatterjee,

Mr. Debjani Sahu

..... for the State

Apprehending arrest the instant application is filed in connection with Barabazar Police Station Case No.117 of 2020 dated 17.10.2020 under Sections 498A/323/376/511/34 of the Indian Penal Code praying for anticipatory bail by the principal accused.

Mr. Gupta, learned lawyer representing the petitioner submitted, that a matrimonial dispute is pending between the *de facto* complainant and her in-laws and the present case is in sequel of such matrimonial dispute in order to falsely implicate the father-in-law of the *de facto* complainant. All allegations are false according to the learned lawyer and anticipatory bail should be granted since investigation is complete and chargesheet has been filed and custodial interrogation is not necessary.

*Per contra*, learned lawyer representing the State invited our attention to the statements of various witnesses as well as that of the victim recorded under Section 161 of the Code and submitted that strong incriminating elements are there

against the present petitioner who is the principal accused and strongly opposed anticipatory bail.

We have heard rival submissions and perused the case diary. From the case diary it appears that custodial detention of other co-accused was not felt necessary as reported by the Investigating Officer. It is also seen that investigation is complete. The statements of the victim girl fail to indicate any overt act on the part of the present petitioner in commission of the alleged offence except one stray mention that he entered into her room. Considering the nature of allegation, extent of incriminating materials and the fact that investigation is complete, we are inclined to allow anticipatory bail to the present petitioner.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Mantu Chhutar**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) 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 present petitioner shall not leave the jurisdiction of Barabazar Police Station without prior permission of the Inspector-in-Charge until further orders.

The petitioner shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioner shall not intimidate the witnesses and/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 C.R.M. 7811 of 2021 is 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.)**