

CRM 8287 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Pralay Banerjee**

..... petitioner

Mr. Asim Kumar Chakraborti

.....For the petitioner

Ms. Sonali Das

.....For the State

Apprehending arrest in connection with Bhadreswar Police Station Case No. 141 of 2021 dated 22.04.2021 under Sections 498A/406 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, the instant application for anticipatory bail has been preferred.

Mr. Chakraborti, learned advocate appearing for the petitioner submits that there is a matrimonial dispute between the petitioner and the victim and a matrimonial suit was preferred by the petitioner in the year 2019. The same is still pending. The complaint was lodged against the petitioner about five years after the victim left her matrimonial house. The allegations are unfounded and the present complaint has been lodged only with the intent to harass and heckle the petitioner. In the said conspectus, custodial interrogation is not necessary.

Ms. Das, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several

documents in the case diary including the statements of the witnesses.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that the complaint was lodged by the victim about five years after she left her matrimonial house. Considering the nature of accusations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that his custodial interrogation is not necessary.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Pralay Banerjee** 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.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses. He shall also attend learned Court below on all the dates, as specified for hearing.

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

The application for anticipatory bail, being CRM 8287 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.

(Md. Nizamuddin, J.)

(Tapabrata Chakraborty, J.)