

36.
14-01-2022
(ct. no.01)
debajyoti
(allowed)

CIRCUIT BENCH OF CALCUTTA HIGH COURT AT JALPAIGURI

(Via Video Conference)

CRM(A) 47 of 2022

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Women Police Station Case No.141 of 2021 dated 07-12-2021 under Sections 498A/307/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

- A n d -

In the matter of : Nirendranath Roy

.... Petitioner.

Mr. Jaydeep Kanta Bhowmik

... For the Petitioner.

Mr. Kallol Acharjee,
Mr. Sagnik Sankar Sikdar

... For the State.

The petitioner is the husband of the victim/defacto complainant. He says that the complaint is completely false.

The State produces the Case Diary and opposes the prayer for anticipatory bail.

We have carefully read the written complaint lodged by the victim on December 07, 2021. In a nutshell, she had stated that her marriage with the petitioner took place on May 01, 2004. She used to be tortured regularly. On December 10, 2011, she left the matrimonial home and went to reside with her parents. In November 2021, she went to her matrimonial home. She was not permitted to enter. She was threatened and abused. Hence the complaint.

We have seen the material in the Case Diary. *Prima facie*, there is no ingredient of offence punishable under Section 307 of the Indian Penal Code. The nature of the allegations are such that in our considered opinion,

immediate custodial interrogation of the petitioner may not be necessary so long as he cooperates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, namely, **Nirendranath Roy**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and on further condition that the petitioner shall meet the Investigating Officer once in every fortnight until completion of investigation. The petitioner shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

In the event the petitioner fails to adhere to any of the conditions stipulated in Section 438(2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference of this Court.

The application for anticipatory bail being CRM(A) 47 of 2022 is, thus, **allowed**.

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

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)