

47. 07.07.2023  
Court  
No.1 Tanmoy Ghosh

Allowed

**CALCUTTA HIGH COURT  
IN THE CIRCUIT BENCH AT JALPAIGURI  
APPELLATE SIDE**

**CRM (A) 502 of 2023**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973, in connection with **Ghoksadanga Police Station Case No. 204 of 2023** dated **04/05/2023** under Sections **498A/307** of the Indian Penal Code, 1860.

And

In the matter of: - **Heronjit Barman**

...petitioner.

Mr. Hillol Saha Podder, Adv.,  
Ms. Mousumi Das, Adv.

...for the petitioner.

Mr. Nilay Chakraborty, Adv.,  
Mr. Biswarup Roy, Adv.

...for the State.

Heard learned Advocate for the petitioner as well as learned Advocate for the State at length.

It is contended that the allegation as made out in the FIR is an outcome of a matrimonial dispute and the same is too much exaggerated.

Learned Advocate for the State, in course of his submission, opposes the prayer for anticipatory bail. He submits that the injuries of the victim are simple in nature

Considering the fact that the present case is an outcome of a matrimonial dispute between the parties where chances of reconciliation are expected to be very high, we are inclined to

take a lenient approach in favour of the present accused/petitioner.

Accordingly, in the event of arrest, the petitioner, namely, **Heronjit Barman**, shall be released on bail upon furnishing a bond of Rs.2,000/- with one registered surety of like amount each, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, until further orders and on further condition that the petitioner shall meet the Investigating Officer of this case as and when called for and shall not leave the territorial jurisdiction of the learned Additional Chief Judicial Magistrate, Mathabanga, Cooch Behar, unless permitted by the said Court till submission in Final Form.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM (A) 502 of 2023 is thus allowed and disposed of.

**(Arijit Banerjee, J.)**

**(Partha Sarathi Sen, J.)**