

02.07.2024

Court No.29

Item No. 38

Allowed

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CRM (A) 2040 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with New Alipore Police Station Case No. 60 of 2024 dated 14.05.2024 corresponding to G.R Case No. 1303 of 2024 under Sections 498A/406/34 of the Indian Penal Code.

And

In Re: Debrup Banerjee & Ors.

Petitioners

Mr. Tapas Kumar Ghosh

Mr. Tanmoy Chowdhury

For the Petitioners

Mr. Rana Mukherjee

Mr. Kaustav Banerjee

For the State

Mr. Mary Dutta

Mr. Amit Debnath

Ms. Dishani Dutta

For the De-facto Complainant

1. The petitioner no. 1 is the husband and the petitioner nos. 2 & 3 are the parents-in-law of the de-facto complainant/wife. It is submitted that due to matrimonial dispute a false complaint has been lodged by the de-facto complainant. It is further submitted that an application for mutual divorce is presently pending before the District Court at Barasat and an application filed by the de-facto complainant for withdrawal was not pursued.
2. Learned counsel for the State submits that the petitioners initially cooperated with the investigation on 12th June, 2024. However, on further investigation they did not appear.

3. Considering the materials available in the case diary, the nature and complicity of the petitioners in the commission of the alleged offence and having regard to the fact that an application for mutual divorce is presently pending before the District Court at Barasat, we are of the view that custodial interrogation of the petitioners is not necessary.
4. Accordingly, we direct that in the event of arrest, the petitioners namely, **Debrup Banerjee, Ashish Kumar Banerji and Nandita Banerji**, 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, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The **petitioner nos. 1 & 2** shall meet the Investigating Officer once in a week or as and when called for till the submission of the final report. The **petitioner no. 3** shall cooperate with the investigation. The petitioners shall appear before learned Chief Judicial Magistrate, South 24 Parganas at Alipore within two weeks from date in connection with G.R. Case No. 1303 of 2024. The petitioners shall reside at Flat No. F/4,8, S.N. Chatterjee Road, P.S New Alipore, James Long Sarani, Kolkata-700038 for a period of three months and shall not leave the said place without the permission of the aforesaid Court. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.
5. The Investigating Officer is directed to conclude the investigation preferably within three months from date and submit the final report.
6. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is accordingly disposed of.

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

(Soumen Sen, J)

(Uday Kumar , J)