

03.09.2024
SL No.41
Court No.29
(gc)
(Allowed)

CRM (A) 3030 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Habibpur Police Station Case No.316 of 2023 dated 13.09.2023 under Sections 498A/406/307/376 of the Indian Penal Code read with Sections 3 & 4 of the Dowry Prohibition Act.

And

In the matter of : **Sri Utsab Ray**

- Petitioner.

Mr. Nanigopal Chakraborty

....For the Petitioner.

Ms. Sayanti Santra,

Mr. Dipankar Paramanick

... For the State.

Mr. Avinaba Patra

....For the De facto Complainant.

1. The husband is the petitioner. It is submitted that a false complaint has been lodged after the husband-petitioner has filed an application for divorce. It is further submitted that the father-in-law and the mother-in-law have been granted anticipatory bail.
2. The learned Counsel for the State and de facto complainant have opposed the prayer for anticipatory bail.
3. The learned Counsel for the petitioner submits that the FIR was lodged 50 days after the incident.
4. The learned Counsel for the de facto complainant submits that in the FIR, the cause for delay has been sufficiently explained.
5. The learned Counsel for the State submits that in the statement recorded under Section 164 Cr.P.C., the father-in-law has been

directly implicated, moreover, the allegation of physical and mental torture against the petitioner as well.

6. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence and having regard to the fact that the father-in-law has been granted anticipatory bail and the complaint was lodged after the matrimonial suit has been instituted and prior thereto there has been no allegation of any physical and mental torture emanating from the case diary and also having regard to the injury report, we are of the view that custodial interrogation of the petitioner is not necessary.
7. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Sri Utsab Ray**, 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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on further condition that the petitioner shall meet the I.O. once in a week till the submission of the final report.
8. It is further directed that the petitioner shall appear before the learned Chief Judicial Magistrate, Malda, in connection with G.R. Case No.6338 of 2023 within two weeks from date.
9. Accordingly, the application for anticipatory bail is disposed of.

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

(Soumen Sen, J.)

(Shampa Dutt (Paul), J.)