

02.09.2024
SL No.37
Court No.29
(gc)
(Allowed)

CRM (A) 3001 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Serampore Police Station Case No.412 of 2024 dated 08.07.2024 under Sections 85/123 of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: **Subir Goswami**

- Petitioner.

Mr. Milon Mukherjee, Sr. Adv.,
Mr. Sourov Chatterjee,
Mr. Sanjib Kr. Dan,
Mr. Saryati Datta,
Ms. Souktaya Ganguly,
Mr. Chitrak Biswas

....For the Petitioner.

Mr. Ranadeb Sengupta,
Mr. Habib Hassan

... For the State.

1. The learned Counsel for the petitioner submits that the petitioner is married to the de facto complainant for the last 17 years and due to matrimonial discord, a false complaint has been lodged. It is further submitted that prior to the lodging of the complaint on 8th July, 2024, the petitioner filed an application for divorce on 4th June, 2024. It is also submitted that false complaint is the result of the said suit.
2. The learned Counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of the victim. However, it has been submitted that the incident of poisoning dates back to the year 2015 when contemporaneous complaint was made.

3. 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 there is no medical papers on record justifying any physical torture and having regard to the fact that the criminal complaint has been lodged almost one month after the filing of the suit for divorce, we are of the view that custodial interrogation of the petitioner is not necessary.
4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Subir Goswami**, 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 482(2) of the BNSS, 2023. It is directed that the petitioner shall meet the I.O. once in a week till the submission of the final report.
5. It is further directed that the petitioner shall appear before the learned Additional Chief Judicial Magistrate, Serampore in connection with G.R. Case No.2262 of 2024 within two weeks from date.
6. Accordingly, the application for anticipatory bail is disposed of.
7. 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.)