

02.09.2024
A-55
Court No.29
TN
(Allowed)

CRM (A) 3021 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Kotwali Police Station Case No.758 of 2024 dated 10.07.2024 under Sections 498A/325/307/34 of the Indian Penal Code.

And

In the matter of: **Chabi Halder and another**

.... petitioners

Mr. Atis Kumar Biswas,
Ms. Piyu Mandal

....for the petitioners

Mr. Binoy Kumar Panda,
Ms. Suchismita Dutta

....for the State

1. The learned counsel for the petitioners submits that after twelve years of marriage, a false complaint has been lodged against the petitioners.
2. The learned counsel for the State in opposing the prayer has referred to the injury report and the statement of the neighbours and submits that the petitioner no.2 is having an illicit relationship with the petitioner no.1 as would reveal from the statement of such witnesses.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence and having regard to the nature of the dispute between the parties and the injury report wherefrom it appears that the injury appears to be simple, 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, **Chabi Halder** and **Biren Haldar** respectively 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, 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.
5. The petitioner no.2 shall meet the Investigating Officer once in a week till submission of the final report. The petitioner no.1 shall cooperate with the investigation.
6. It is further directed that the present accused petitioners shall appear before the learned Additional Chief Judicial Magistrate, Krishnagar, Nadia within two weeks from date and pray for regular bail.
7. Accordingly, the application for anticipatory bail is disposed of.
8. 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.)