

Court No. 1

Calcutta High Court

30.04.2024

In the Circuit Bench at Jalpaiguri

(JCB 11)

Appellate Side

(S. Banerjee)

CRM (A) 385 of 2024

(Allowed)

In re: ^c An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Cooch Behar Sadar Women Police Station Case No. 142 of 2022 dated 19.11.2022 under Section 498A/323/325/379/506 of the Indian Penal Code.

And

In the matter of: Malay Barman @ Toton

...petitioner

Ms. Suman Sehanabis (Mandal)
Mr. Salok Sah
Ms. Anwesha Chakraborty

... for the petitioner

Mr. Kallol Acharjee
Ms. Namrata Das

... for the State

1. Heard.
2. Prayer for anticipatory bail has been opposed by the learned counsel for the State.
3. On perusal of the entire materials in the case diary it reveals that the present accused-petitioner is the husband of the victim lady. There are statements to the effect in the case diary that the present accused-petitioner harassed both mentally and physically his wife, who is the victim of this case. Admittedly, there is no injury report in the case diary. The present case is the outcome of a matrimonial dispute.
4. We are inclined to take a lenient approach in this mater. Accordingly, we allow this application for anticipatory bail and direct that in the event of arrest, the petitioner shall be released

on bail upon furnishing a bond of Rs. 10,000/-, with two registered sureties of Rs. 5,000/- each, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner shall meet with the Investigating Officer of Cooch Behar Sadar Women Police Station once a week till submission of final report and to appear before the learned trial court on each date of substantive hearing subject to the provisions of Section 317 Cr.P.C.

5. It is further directed that the petitioner shall not tamper with evidence and/or influence the witnesses in any manner whatsoever. In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel the bail without any further reference to this court.
6. The application for anticipatory bail is thus 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.)

(Partha Sarathi Sen, J.)