

12.06.2024
(D/L 4)
Ct. No.1
(Allowed)
(SKB)

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

C.R.M.(A) 432 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Banarhat P. S. Case No.129 of 2024 dated 07.05.2024 under Section 498A of the Indian Penal Code (G.R. Case No.2192 of 2024) pending in the court of the learned Chief Judicial Magistrate at Jalpaiguri.

In the matter of : Himangshu Roy

... Petitioner

Mr. Bikash Singha

... for the petitioner

Mr. Kallol Acharjee,
Mr. Tapan Bhattacharjee

... for the State

1. Heard learned Counsel for the petitioner and the learned State Counsel.
2. The petitioner (husband) is facing prosecution under Section 498A.
3. Learned counsel for the petitioner submits that the marriage took place 10 years prior to the lodging of the FIR. There have been some incidents of strained relationship between the parties, evident from the information lodged by the petitioner on 30.09.2021 when the instant informant had abandoned him and left the house. There is no necessity of custodial interrogation of the petitioner and, therefore, he prays that he may be enlarged on bail.

4. Learned State counsel has opposed the prayer. He, however, is not in a position to dispute the fact that it is a general and vague allegation.
5. Considering the rival submissions and upon going through the case diary, we are inclined to allow the prayer for anticipatory bail.
6. Accordingly, we direct that the petitioner shall be released on bail by the Arresting Officer in the event of his arrest in the G.R. Case No.2192 of 2024 arising out of the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case and shall participate in investigation as and when required.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. Within 15 days from today petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.
9. The application being CRM(A) 432 of 2024 is disposed of.
10. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Madhuresh Prasad, J.)

(Partha Sarathi Chatterjee, J.)