

07.11.2024
Item no. 73.
Court No.1.
AB
(Allowed)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (A) 739 of 2024

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure, 1973/Under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Pundibari Police Station Case No.471 of 2024 Dated 26.06.2024 under Sections 498A/307 of the Indian Penal Code read with Sections 3 /4 of the DP Act

And

In the matter of : Tapash Chakraborty

.....Petitioner.

Mr. Subhasish Misra,
Mr. Satyajit Pal for the Petitioner.

Mr. Abhijit Sarkar
Mr. Dhiman Sil for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner prays for pre-arrest bail. He says that the complainant is his wife. He could not obtain a transfer from Jalpaiguri to another District as Motor Vehicle Inspector as was his wife's demand. That is why the dispute started between husband and wife and thereafter this false complaint was lodged. He will cooperate with the Investigating Officer to the fullest extent.
2. Opposing the prayer for anticipatory bail, learned State Advocate draws our attention to the injury report. He

further says that the charge is under Section 307 IPC, which is very grave.

3. We prima facie find that the injury report does not support the prosecution case. Further, we are told that the petitioner and the complainant are residing together presently.
4. On an overall consideration of the facts and circumstances of the case and the material on record, we are of the view that immediate custodial interrogation of the petitioner may not be necessary so long as he cooperates with the Investigating Officer.
5. Accordingly, in the event of arrest, the petitioner, namely **Tapash Chakraborty** 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders and on further condition that he shall report to the Investigating Officer once in a fortnight till completion of investigation.
6. In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.
7. The application for anticipatory bail is allowed.

8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Biswaroop Chowdhury, J.)

(Arijit Banerjee, J.)