

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

CRM (A) 800 of 2024

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure/Section 482 of the BNSS in connection with **Cooch Behar Sadar Women Police Station** Case No. **126 of 2024** dated **15.07.2024** under Sections **85/115(2)/109** of the BNSS, 2023 and Sections 3/4 of the DP Act.

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In the matter of : Altab Hossain @ Altab Hossain

.... Petitioner.

Mr. Hillol Saha Poddar,
Ms. Mousumi Das,

... For the Petitioner.

Mr. Ujjwal Luksom,
Mr. Chattu Roy,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner is the husband of the victim lady. The allegation is that the petitioner used to torture his wife regularly.
2. The petitioner says that the allegations are all false. In any event, custodial interrogation is not necessary in so far as he is concerned. All other accused persons being the family members of the petitioner have been granted anticipatory bail.
3. We have seen the statement of the victim/defacto complainant and the injury report. The injury report *prima facie* does not support the prosecution case.
4. On an overall consideration of the nature of the dispute between the parties and the material on record, we are of the view that immediate custodial interrogation of the petitioner is not necessary so long as he is prepared to cooperate with the Investigating Officer.

5. Accordingly, in the event of arrest, the petitioner, namely, **Altap Hossain @ Altab Hossain**, 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 the petitioner shall report to the Investigating Officer of the concerned Police Station once in a fortnight until further orders.

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. CRM (A) 800 of 2024 is, thus, disposed of.

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.**)