

11.11.2024
Item no.94.
Court No.01.
S.De
(Allowed)

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

CRM(A) No.805 of 2024

In Re: An Application for Anticipatory Bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 438 of the Code of Criminal Procedure in connection with Alipurduar Women Police Station Case No.65 of 2023 Dated 17.10.2023 under Section 498A/307 of the Indian Penal Code.

And

In the matter of: Subrojyoti Biswas @ Guddu.

.....Petitioner.

Mr. Sourav Lohani,
Mr. Amit Kumar Pandey,for the Petitioner.

Mr. Nilay Chakraborty, Ld. APP,
Ms. Sukanya Adhikary,for the State.

1. The petitioner is the husband of the de facto complainant. The charge is under Sections 498A/307 of the Indian Penal Code. The petitioner says that investigation is complete. Chargesheet has been filed. He says that he has been falsely implicated. He prays for anticipatory bail.
2. Opposing the prayer, learned State counsel draws our attention to the material in the case diary. There is no medical report available in the case diary. There is nothing to corroborate that the de facto complainant sustained any injury.
3. On an overall assessment of the material-on-record and considering that chargesheet has already been submitted, we are

of the opinion that immediate custodial interrogation of the petitioner may not be necessary.

4. Accordingly, in the event of arrest, the petitioner namely **Subrojoyoti Biswas @ Guddu** 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 Officer in Charge of the concerned Police Station once in a fortnight until further orders.
5. 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.
6. The application for anticipatory bail being C.R.M.(A) No.805 of 2024 is, thus, allowed.
7. 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.)