

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI

28.10.2024
(S/L 03)
Ct.-08
(Susanta)

C. R. M. (A) 836 of 2024

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 22.10.2024 in connection with Haldibari Police Station Case No. 306 of 2022 dated 10.11.2022 under Sections 498A/307 of the Indian Penal Code read with Sections 3 /4 of Dowry Prohibition Act.

And

In Re: ***Diptaraj Kar.***

... .. Petitioner

Ms. Rita Patra,
Mr. Pradip Bose,

... .. for the petitioner.

Mr. Kollol Acharjee,
Mr. Tapan Bhattacharjee,

... .. for the State.

It is submitted on behalf of the petitioner that the petitioner is the husband of the de facto complainant, who has lodged a false complaint against him after five years of her marriage.

Charge-sheet has already been submitted and his custodial interrogation is not necessary.

Learned Counsel prays for anticipatory bail of the petitioner in any terms of conditions.

On the other hand, the learned advocate appearing on behalf of the State opposes the prayer for anticipatory bail.

We have considered the materials available in the case diary and found that the allegations leveled against him are general and omnibus in nature.

Furthermore, charge-sheet has already been submitted, there is no need for custodial interrogation of the petitioner. Accordingly, we inclined to allow his prayer for anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely ***Diptaraj Kar***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Biswajit Basu, J.)