

52 04.12.2020
rkd Ct. No.03
(Allowed)

**C.R.M. 8968 of 2020
(Through Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Thanarpara** P.S. Case No. **209 of 2020** dated **19/09/2020** under Section **498A/323/313/307/34** of the Indian Penal Code.

And

In the matter of: Martuja Shaikh @ Mortuja Sk & Ors.
....petitioners.

Mr. A. Mondal
...for the petitioners.

Mr. I. Ali,
Mr. S. Roy
...for the State.

It is submitted on behalf of the petitioners that they have been falsely implicated in the instant case due to domestic dispute.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail and submits that victim was assaulted in 2017 and subsequently again assaulted at her parental home.

We have considered the materials on record including the medical papers relating to incomplete abortion in 2017. Medical papers do not disclose any physical assault resulting in abortion. In view of the aforesaid facts and other attending circumstances, we are inclined to grant anticipatory bail to the petitioners.

In the event of arrest, the petitioners shall be released on bail upon furnishing a Bond of Rs. 10,000/- each with two sureties of like amount each to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under

Section 438(2) of the Code of Criminal Procedure, 1973.

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

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)