

09.12.2020.

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(Allowed).

**C.R.M. 10031 of 2020**

**(Via Video Conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Ratua P. S. Case No.545 of 2019 dated 13.10.2019 under Sections 448/325/315/376/511/34 of the Indian Penal Code.

In the matter of : Taher Ali alias Md. Taher Ali Shah.  
... Petitioner.

Mr. Imadul Haque.

...for the Petitioner.

Md. Anwar Hossain,  
Ms. Sreyashee Biswas.

.....for the State.

Heard the learned Advocates appearing for the parties.

It is submitted on behalf of the petitioner that there is no material to make out a case of forcible abortion. Co-accused has been granted anticipatory bail.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. It appears that the alleged abortion of the child occurred in 2013. No medical papers have been produced in support of forcible abortion.

Under such circumstances, we are inclined in granting anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner, viz., Taher Ali alias Md. Taher Ali Shah shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

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

**(Suvra Ghosh,J.)**

**(Joymalya Bagchi, J.)**