

50 10.12.2020
rkd Ct. No.28
(Allowed)

**C.R.M. 10110 of 2020
(Through Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Krishnagunj** P.S. Case No. **242 of 2020** dated **04/11/2020** under Section **498A/313/34** of the Indian Penal Code.

And

In the matter of: Soumen Halder & Anr.

....petitioners.

Mr. D. Brahma

...for the petitioners.

Mr. A. Mandal

...for the defacto complainant.

Mr. I. Ali,

Ms. M. Roy

...for the State.

It is submitted on behalf of the petitioners that there is delay in lodging the first information report. Allegation of forcible abortion is out and out false.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail.

Learned counsel appearing on behalf of the defacto complainant also opposes the prayer for anticipatory bail and submits that the victim housewife was subjected to torture and force to abort.

We have considered the materials on record including the medical papers. There is nothing in the medical papers which support the allegation of forcible abortion. In view of the aforesaid facts, we are inclined to grant anticipatory bail to the petitioners subject to strict conditions.

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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that petitioner no.1 shall meet the investigation officer once in a week until further orders.

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

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)