

28.07.2021
Item no.33
Court No.32.
S.De
(Allowed)

(Via Video Conference)

CRM No. 1633 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 09.02.2021 in connection with Chanchal Police Station Case No. 19 of 2021 dated 05.01.2021 under Sections 498(A)/307/313 of the Indian Penal Code.

And

In the matter of : Samayan.

.....Petitioner.

Mr. Kazi Mokhlasur Rahman, Advocate,
.....for the Petitioner.

Mr. Imran Ali, Advocate,
Mr. Nirupam Dhali, Advocate,
.....for the State.

The petitioner is the husband of the complainant and pleads innocent. It is submitted that the complaint was lodged after lapse of one year of the incident of alleged miscarriage of the complainant.

The State opposes the prayer for anticipatory bail and refers to the statement of witnesses under Section 161` of the Criminal Procedure Code. It is candidly admitted by the State that there is no medical document with regard to the alleged miscarriage of the complainant.

Having considered the material on record and in view of the general and omnibus nature of allegations against the petitioner and also the fact that there is no contemporaneous medical document in support of the allegation under Section 313 of the Indian Penal Code, we are inclined to hold that immediate custodial interrogation of the petitioner is not necessary and he may be granted anticipatory bail.

Accordingly, in the event of arrest, the petitioner 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.

The application for anticipatory bail being CRM 1633 of 2021 is, thus, **allowed**.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)