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06-08-2021
(ct. no.32)
KOLE
Allowed

(Via Video Conference)

CRM 2256 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Asansol Women Police Station** Case No. **127 of 2020** dated **13.11.2020** under Sections **498A/323/406/313/34** of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

- A n d -

In the matter of : Md. Nurul Hasan

.... Petitioner.

Mr. A. Kumar Datta,

... For the Petitioner.

Mr. T. Kumar Ghosh,
Mr. A. Sen,

... For the State.

The charges against the petitioner are under Sections 498A/323/406/313/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act. The petitioner is the husband of the victim.

The petitioner says that soon after his marriage to the victim, his wife left the matrimonial home and went to her parent's place. She was pregnant. Abortion took place by mutual consent on 09.06.2019. The complaint was lodged after about one and half years.

The State relies on the material in the case diary. Our attention has been drawn to two reports of the doctor who examined the victim. Nothing comes out of the same which is incriminating against the petitioner. In fact on the

first occasion when the victim visited the doctor, she was accompanied by the petitioner and his mother.

We are told that investigation is in progress. Having considered the material in the case diary and the facts and circumstances of the case, we are of the opinion that immediate custodial interrogation of the petitioner may not be necessary so long as he cooperates with the Investigating Officer.

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 2256 of 2021 is, thus, allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)