

CRM 3476 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Pursurah Police Station Case No.09 of 2021 dated 13-01-2021 under Sections 448/341/323/325/354A/354B/315/506/509/34 of the Indian Penal Code.

- A n d -

**In the matter of : Sk. Morsadul alias Sk. Marsedul alias
Saheb
.... Petitioner.**

Mr. Tapan Dutta Gupta,
Mr. Keshab Chandra Das,
Ms. Aparajita Mondal,
Mr. Biplab Adak

... For the Petitioner.

Mr. Narayan Prasad Agarwala,
Mr. Ashok Das

... For the State.

The primary allegation against the petitioner and the other accused persons is under Section 315 (act done with intent to prevent a child from being born alive or to cause it to die after birth) and Section 354B (assault or use of criminal force to woman with intent to disrobe) of the Indian Penal Code. The petitioner says that the victim and the petitioner are neighbours and there are long-standing disputes between them which has prompted the victim to lodge this false complaint. Section 315 would not apply at all. The victim has given birth to a child and the mother and child are doing well. There is also no substance in the allegation under Section 354B of the Indian Penal Code.

We have seen the material in the Case Diary including the injury report. There is no significant injury suffered by the victim. General allegations have been made against the accused persons including the present petitioner. Charge Sheet has been submitted.

Considering the nature and gravity of the charges and the material on record and the possible extent of complicity of the petitioner in the alleged offence, we are of the view that immediate custodial interrogation of the petitioner is not necessary.

Accordingly, in the event of arrest, the petitioner, namely, **Sk. Morsadul alias Sk. Marsedul alias Saheb**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer. The petitioner shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

In the event the petitioner fails to adhere to any of the conditions stipulated in Section 438(2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 3476 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.

(**Bivas Pattanayak, J.)**

(**Arijit Banerjee, J.)**