

CRM 7562 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Suresh Hela @ Ramesh Hela**
..... petitioner

Mr. Somnath Gangopadhyay
Mr. Rahul Singh

.....For the petitioner

Mr. Iqbal Kabir

.....For the State

Apprehending arrest in connection with Dankuni Police Station Case No. 136 of 2021 dated 05.05.2021 under Sections 498A/406/313/323/34 of the Indian Penal Code, the present application has been filed by the present petitioner being the husband of the de facto complainant praying for anticipatory bail.

It is submitted by the learned advocate representing the petitioner that the alleged termination of pregnancy was a result of medical complication without having any interference by the present petitioner. It is further submitted that the present petitioner is falsely implicated. Custodial detention is not necessary. Therefore, anticipatory bail is prayed for.

Per contra, the learned lawyer representing the State submitted that there are incriminating materials against the present petitioner and relied upon the statement of the de facto complainant being the wife and other witnesses in this

regard. Accordingly, anticipatory bail is opposed as investigation is still pending.

We have heard rival submissions and perused the case diary. The statement of the doctor and the medical report do not corroborate the allegations made in the written complaint. We have also perused the statement of other witnesses. On perusal of the case diary and other materials and on appreciation of the incriminating materials, *prima facie*, we are inclined to allow the anticipatory bail to the present petitioner.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Suresh Hela @ Ramesh Hela** 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with further condition that the petitioner shall meet with the Investigating Officer once a week till investigation is complete and with further condition that the petitioners shall not tamper with the evidence and/or intimidate the witnesses.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM 7562 of 2021, is, thus, disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)