

01.02.2022

Court No.32
rpan/40

C.R.M. (A) 135 of 2022

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure;

And

In re: **Avijit Pandit & Another**

- Petitioners

Mr. Amal Kumar Banerjee
... for the Petitioners.

Mr. Imaran Ali,
Ms. Debjani Sahu
... for the State.

Apprehending arrest in connection with Jangipara Police Station Case No.233 of 2021 dated 25.09.2021 under Sections 498A/406/313 of the Indian Penal Code, 1860, the petitioners have filed the present application.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary. In the report, filed by the Medical Officer, it had *inter alia* been opined: '*since the baby born was full term it cannot be termed as miscarriage. No foul play regarding any alleged injury to the mother or baby could be detected from her medical history and our hospital records*'.

It, thus, *prima facie* appears that ingredients of Section 313 of the Indian Penal Code, 1860 are not attracted against the petitioners herein, who are the husband and the brother-in-law of the victim. Considering the nature of accusations and the extent of complicity of the petitioners, we are of the opinion that custodial

interrogation is not necessary. As such, the petitioners' prayer for anticipatory bail is allowed.

Accordingly, in the event of arrest the petitioners, namely, **Avijit Pandit** and **Sukanta Pandit** shall be released on bail upon furnishing a bond of Rs.10,000/- each with **two registered** sureties of like amount each, 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 a further direction that they shall meet with the investigating officer of the case once a week till the investigation is complete.

It is further directed that the petitioners shall attend the learned court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

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

The application for anticipatory bail, being CRM (A) 135 of 2022 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.)