

29.03.2022

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Ct. No. 29

**KAUSHIK**

Allowed

**C.R.M.(A) 1444 of 2022**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliyaganj** Police Station Case No. **591** of **2021** dated **23.10.2021** under Sections 498A/304B/314/315/34 of the Indian Penal Code, 1860 read with Sections 3/ 4 of the Dowry Prohibition Act.

And

In Re : Sarmistha Koley @ Sharmistha Koley  
..... petitioner

Ms. Busra Khatun  
....for the petitioner

Mr. Tanmoy Kumar Ghosh  
Ms. Sonali Bhar  
....for the State

A doctor is before Court seeking anticipatory bail.

The petitioner, who is the doctor in profession has treated the victim, who ultimately died. The doctor is sought to be roped into a proceeding, inter alia, under Section 498A of the Indian Penal Code.

Learned advocate appearing for the State draws the attention of the Court to the statement of the neighbour recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.).

Considering the gravity of the offence and the involvement of the petitioner therein and considering the fact that the police

filed charge-sheet and considering the fact that the petitioner herein was acting as a doctor in her professional capacity, we grant anticipatory bail to the petitioner.

Accordingly, we direct that 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, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

**(Debangsu Basak, J.)**

**(Bibhas Ranjan De, J.)**