

CRM 8147 of 2021
(via video conference)

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

In the matter of : **Soumen Mondal**

..... petitioner

Mr. Kallol Kumar Basu
Md. Jamat Ul Firdous

.....For the petitioner

Ms. Sujata Das

.....For the State

Mr. Surojit Basu

.....For the de facto complainant

Apprehending arrest in connection with Hasnabad Police Station Case No. 378/2021 dated 20.06.2021 under Sections 498A/406/313/506/307/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, the instant application is filed praying for anticipatory bail is filed.

Mr. Kallol Kumar Basu, learned lawyer appearing for the petitioner submitted that the parents-in-law of the victim was allowed anticipatory bail earlier. Miscarriage of the victim took place because of some gynaecological complications unconnected with any kind of torture as alleged to be perpetrated by the present petitioner. There are sufficient medical documents to corroborate this. The whole allegation is false and fabricated. Custodial detention is not necessary and accordingly, bail is prayed for.

Per contra, Ms. Das, learned lawyer appearing for the State submitted that there are incriminating elements in the case diary against the present petitioner. Ms. Das invited our

attention to the statements of the various witnesses. She further submitted that there are incriminating elements against the present petitioner.

Mr. Surojit Basu, learned lawyer enters appearance for the de facto complainant and opposes the petitioner's prayer.

Heard the rival submissions. Perused the case diary. We have also perused the statement of doctor. According to him, abortion took place because of some physiological problems of the victim. We have perused various documents and we feel that custodial detention in this case is not necessary.

Considering the extent of incriminating elements, the extent of complicity of the present petitioner and stage of investigation we are inclined to allow the anticipatory bail in favour of the petitioner.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Soumen Mondal** 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 a further direction that the petitioner shall meet with the investigating officer once a week till investigation is pending.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses. He shall

also attend learned Court below on all the dates, as specified for hearing.

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 8147 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.)