

23.11.2022
Serial no.55
Aloke

CRM (A) 5403 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Tehatta Police Station Case No. 789 of 2022 dated 11.09.2022 under Sections 498A/313/325/34 of the Indian Penal Code.

-And-

In the matter of : **Alpana Biswas & Anr.**

... .. Petitioners

Mr. Atis Kr. Bisws, Advocate
Mr. Amit Singh, Advocate
Ms. Jyoti Agarwal, Advocate

... .. For the Petitioners

Mr. Joydeep Roy, Advocate
Mr. Amanul Islam, Advocate

... ...For the State

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioners were falsely implicated.

The de facto complainant left the matrimonial home within two months of the marriage. The police complaint was lodged four months after the de facto complainant left matrimonial home.

He refers to two documents to contend that, the de facto complainant was nine weeks one day pregnant at the time when she left the matrimonial home.

Learned Advocate appearing for the State draws the attention to the materials in the case diary including the statement of the de facto complainant recorded under Section 161 of the Code of Criminal Procedure.

The materials in the case diary suggest that the de facto complainant did not consult any doctor with regard to the pregnancy or the abortion of the pregnancy. There are documents in the petition for anticipatory bail suggesting that the de facto complainant was pregnant for about nine weeks one day on July 19, 2022.

In such circumstances, we deem it appropriate to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 no. 2 will report before the

Investigating Officer once in a month till the conclusion of the investigation and petitioner no. 1 will cooperate with the investigation till the conclusion of the investigation and on further condition that the petitioners shall appear on every date 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioners is allowed.

CRM (A) 5403 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)