

09.02.2023

Sl.16
Court No.29
(AD)
(Allowed)

C.R.M. (A) 569 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Faridpur** Police Station Case No.**89** dated **21.08.2022** under Sections **498A/323/325/307/313/406/34** of the Indian Penal Code and Sections **3/4** of Dowry Prohibition Act.

And

In the matter of: **Sekh Mofijul**

....petitioner.

Mr. Monish Sen

Ms. Oisani Mukherjee

... for the petitioner.

Ms. Sreeparna Das

...for the State.

Petitioner prays for anticipatory bail.

There is a proceedings filed by the petitioner for restitution of conjugal rights prior in point of time. The police complaint was lodged subsequent thereto.

There is a statement recorded under Section 164 of the Code of Criminal Procedure alleging that the victim was kicked in the abdomen by reason of which she underwent an abortion.

There is a injury report on record for the relevant period where, the victim did not claim that there was an assault on her.

In such circumstances, 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/- (Rupees Ten Thousand Only), with two 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 and on condition that the petitioner will

report before the Investigating Officer once a month till the conclusion of the investigation and on condition that the petitioner 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 petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 569 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)