

28.03.2023

23

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1257 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Berhampore** Police Station Case No. **163** of **2023** dated **08.02.2023** under Sections 498(A)/325/307/313/34 of the Indian Penal Code, 1860.

And

In Re : Kajal Mondal @ Kajal Mandal & Anr.

..... petitioners

Mr. Ali Ahsan Alamgir

Ms. Rabia Khatun

Ms. Soma Mal

....for the petitioners

Mr. S. G. Mukherjee, learned Public Prosecutor

Mr. Aniket Mitra

....for the State

There are medical evidence suggesting that the de-facto complainant underwent an abortion.

There are statements of neighbours recorded under Section 161 of the Code of Criminal Procedure, which claims that the husband of the de-facto complainant assaulted the de-facto complainant leading to her abortion.

The husband is in custody.

The allegations as against the present petitioners, who are parents-in-law of the de-facto complainant are of instigating the husband to commit the offence of assault on the de-facto complainant.

In such circumstances, we 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/- 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 further condition that the petitioner no. 1 (Kajal Mondal @ Kajal Mandal) shall meet the Investigating Officer once a fortnight till the conclusion of the investigation and petitioner no. 2 (Hena Mondal @ Mandal) shall cooperate with the Investigating Officer till the conclusion of the investigation and on 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

