

03.05.2023

Serial no. 07

[Dd]

(Anticipatory bail)

(Allowed)

CRM (A) 1847 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Khanakul** Police Station Case No. **218** of **2023** dated **09.04.2023** under Sections **341/323/325/493/313/306/120B/506/34** of the Indian Penal Code.*

-And-

In the matter of : **Suvankar Maity**

... .. Petitioner

*Mr. Niladri Sekhar Ghosh,
Ms. Sompurna Chatterjee,
Mr. Sourov Mondal, Advocates*

... .. For the Petitioner

*Mr. Debabrata Chatterjee, Id. APP
Mr. Santanu Chatterjee, Advocates*

... ..For the State

Mr. Pintu Kanwar, Advocate

... ..For the de facto complainant

Petitioner, State and the de facto complainant are represented.

Learned advocate appearing for the de facto complainant submits that there was an incident of abortion two years prior to the date of the incident. He refers to the compliant lodged in this regard.

We perused the materials in the case diary. The postmortem report suggests that the death of the victim was due to consumption of poisonous substances. The death occurred at the paternal home of the victim.

The case diary does not suggest that the petitioner was present at the time when the death occurred.

The police compliant is one of abetment and abortion.

Materials in the case diary do not suggest abortion taking place.

In such circumstances, we are inclined to 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 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 shall report before the Investigating Officer once in a fortnight till the conclusion of the investigation and on further 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.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 1847 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)