

12.05.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1964 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nakashipara** Police Station Case No. **881** of **2022** dated **15.11.2022** under Sections 498A/406/313/34 of the Indian Penal Code and Sections 3/ 4 of the Dowry Prohibition Act.

And

In Re : Sakila Bibi @ Sakila Bewa & Ors.

..... petitioners

Mr. Prabir Majumder

....for the petitioners

Mr. Pravas Bhattacharya

Mr. M. F. A. Begg

....for the State

Police filed charge-sheet.

Husband was enlarged on bail by the Coordinate Bench by an order dated March 24, 2023 passed in CRM (DB) 1078 of 2023.

While granting bail to the husband, the Coordinate Bench observed as follows:

“We have considered the materials on record. It is alleged victim-housewife was made to consume pesticide which resulted in miscarriage. Medical documents in the case diary do not indicate a case of ingestion of pesticide though there was incomplete abortion on 1.4.2022. There is also delay of five months in lodging first information report from the date of abortion.”

Learned advocate appearing for the State did not draw our attention to any statements of any neighbours implicating the petitioner.

On the parity of the reasoning for enlarging the husband on bail by the Coordinate Bench and in view of the materials presently available in the case diary as against the petitioner, 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/- 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 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.)

