

09.06.2023

Sl. 8

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 2132 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Naidal** Police Station Case No. **38** of **2023** dated **04.03.2023** under Sections **498A/323/406/313/506/34** of the Indian Penal Code, 1860 read with Sections **3/4** of Dowry Prohibition Act.

And

In the matter of: **Anisur Khan**

....petitioner.

Mr. Sandip Mandal

...for the petitioner.

Mr. S. S. Imam

Mr. S. Kundu

...for the State.

1. Heard learned Counsel for the parties.
2. The petitioner is the husband of the informant.
3. Considered the materials placed by learned Counsel for the parties including the statement of the witnesses, the victim and the medical papers attached to the Case Diary.
4. The medical report is suggestive of spontaneous miscarriage and *prima facie* we do not find any connection between the alleged administration of tablet by the family members of the petitioner or kick by the present petitioner to the abdomen of the informant/wife.
5. Our view is, however, tentative on the basis of police papers available on record by which the trial Court should not be influenced.
6. The investigation is stated to have progressed substantially.
7. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, substantial progress in the investigation and the fact that in a

matrimonial dispute, there is always hope of compromise and unnecessary incarceration of husband or his family members frustrates such hope, it is directed that the petitioner shall be released on bail in the event of his arrest by the Arresting Officer on such terms and conditions as deemed just and proper in the facts and circumstances of the case in Connection with Nadial Police Station Case No. 38 of 2023 dated 04.03.2023 including the condition that petitioner shall appear before the I.O. once in a fortnight on the day and time fixed by the I.O. till the submission of Final Form.

8. Within three weeks of the receipt of server copy or certified copy of this order, the petitioner is directed to appear before the I.O along with a copy of this order.
9. Accordingly, the prayer for the anticipatory bail is allowed.
10. The application being **CRM (A) 2132 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

